

# **TULLYTOWN BOROUGH COUNCIL MEETING**

## **April 3, 2018**

President, Mary Ann Gahagan called the meeting of the Tullytown Borough Council to order on Tuesday, April 3, 2018 at 7:00 p.m.

Mayor Cutchineal asked for a moment of silence for Mike Mabin, Steve Runner and Bob Habel who recently passed away.

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 III, Borough Solicitor

Alison Smith, Borough Coordinator

Joe McPadden, Borough Treasurer

Nancy Conner, Borough Secretary

### **PUBLIC COMMENT**

There was no public comment at the meeting.

### **COUNCIL MINUTES**

Mr. Shellenberger made a motion to approve the minutes of the March 6, 2018 Council meeting, with the correction on page 7, in the motion to change the phrase “dawn to dusk” to read “dusk to dawn”, seconded by Mrs. Johnson.

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 of \$71,479.44. 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 March 2018, seconded by Mrs. Johnson.

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

### **COMMUNICATIONS**

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

### **GENERAL BUSINESS**

#### **MS4 POLLUTANT REDUCTION PLAN UPDATE**

Samantha Brinker of Gilmore & Associates was present to update Council on the Borough's MS4 pollutant reduction plan. She advised she has been with the Borough since 2006 in keeping them compliant with the permit.

She advised that back in August, 2017 she presented the 5-year plan for 2018 and 2023 to reduce sediment loadings from the MS4 stormwater discharges to Martin's Creek. She indicated that the Borough has to reduce the sediment pollutant loading by 10%. Miss Brinker advised that in late January, we received a letter from DEP with some minor comments. She added they had a meeting with DEP representatives on March to discuss the new best management practices (BMPs) they are going to propose tonight and they are in agreement with these new BMPs.

Miss Brinker indicated the new BMPs they are proposing are a series of rain gardens and a vegetative swale behind Borough hall. She added that the vegetative swale was in the previous report for the stormwater runoff from the parking lot which drains to an outfall out in the back—there is some linear footage before it gets to Martin's Creek so a vegetative swale can be constructed which will take the sediment out of the water before it reaches Martin's creek. Miss Brinker had an illustration for Council to view as well.

Miss Brinker commented there will also be a new proposed BMP which will be a series of raingardens--the idea to collect about 2 acres of stormwater runoff and through the same process it will use vegetation to reduce sediment and infiltrate into the ground before it gets to Martin's Creek.

Miss Brinker advised this is an unfunded mandate—there is no money for reporting; however, Gilmore is looking into grants for the construction. Miss Slemmer asked if the

Borough will have to match the grant. Miss Brinker advised they are looking into several options.

Miss Brinker indicated that this presentation counts as the public meeting. She added the comments have begun on April 2, 2018 and will be extending through May 2, 2018. She further added that the public can review the plan from Monday through Friday between the hours of 8:30 and 4:30 at the Borough Municipal Building. She mentioned that comments may be provided in writing to Alison Smith, Borough Coordinator. Miss Brinker indicated that if Council has any questions, they may call her.

Mr. Walsh questioned if DEP has approved this revised design? Miss Brinker advised that DEP has agreed to it but won't approve it until they see the final after public comment. Mr. Walsh commented that the raingarden has not been fully designed as yet. Miss Brinker advised that is correct—it is conceptual at this time.

Mrs. Kettler questioned the location of the raingarden. Miss Brinker advised it is out back behind Borough Hall—the baseball field and a portion of the park drains towards Martin's Creek. She commented we are trying to "capture" the water before it gets into Martin's Creek so there will be a series of raingardens that go along the path. She added the underdrain will go to the vegetative swale.

Miss Kettler asked for description of the raingardens. Miss Brinker advised they will consist of water tolerant plants—some small trees or shrubs.

Mr. Shellenberger asked if the Borough Street Department employees can do some of the work or does the work have to be contracted out. Miss Brinker advised that the Street Department could do some of the work--that could be worked in.

#### **PROPOSALS FOR BOROUGH PICNIC-FOOD, FUNNEL CAKES, FIREWORKS—CONSIDERATION**

Mrs. Conner advised that she advertised in the Bucks County Courier Times, website and government channel for proposals for the food, funnel cakes and fireworks. She indicated that she only received one (1) proposal for each category. She added that she reached out to other vendors to try to obtain pricing but received no other responses.

Mrs. Conner advised regarding the food portion, we received a proposal from Christina's Catering in the amount of \$6,205. Mrs. Johnson asked what we paid last year. She commented that we are only serving hamburgers and hot dogs this year. Mrs. Chrzanowski agreed that last year we also served chicken and sausage. Miss Slemmer suggested we table this. Mr. Shellenberger commented that we should re-bid as the bid has been announced. Mr. Walsh commented that only quotes have to be obtained—no bidding necessary.

Miss Slemmer made a motion to table until next month. Mr. Pirolli seconded the motion.

The vote of Council was as follows:

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.

Mrs. Conner advised that regarding the funnel cakes, we received a proposal from KC Funnel Cakes in the amount of \$3,000. Mrs. Conner advised that we contracted with KC Funnel Cakes last year for the same amount—this year we added 50 people to the count.

Mrs. Johnson made a motion to accept the proposal of KC Funnel cakes in the amount of \$3,000. Miss Slemmer seconded the motion.

The vote of Council was as follows:

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.

Mrs. Conner advised that we received one proposal for fireworks from International Fireworks in the amount of \$7,500. Mrs. Conner advised that she did convey to their representative that many were dissatisfied with the fireworks and International promised her that the show would be their best.

Mr. Pirolli made a motion to accept the proposal of International Fireworks in the amount or \$7,500, seconded by Miss Slemmer.

The vote of Council was as follows:

Mrs. Chrzanowski—for  
Mrs. Kettler—against  
Miss Slemmer—for  
Mr. Pirolli—for  
Mr. Shellenberger—for  
Mrs. Johnson—for  
Ms. Gahagan—for

The vote was 6 in favor, 1 against; the motion carried.

#### **EXPENSES FOR MEMORIAL DAY EVENTS**

Mrs. Conner advised we have a total cost of \$7,600 and explained the individual costs involved:

SamStorm Band (night concert) - \$700  
Video Gold Productions - \$850 (not to exceed)  
Drummers with Attitude - \$600  
Brian Boru Pipes & Drums - \$1,300  
Bracken Drum & Bugel Corp - \$350  
Miss Pennsylvania - \$300  
Pennsbury Marching Band - \$1,500  
Miscellaneous Expenses - \$2,000 (not to exceed)

Mayor Cutchineal advised that last year the expenses totaled approximately \$9,500. Miss Slemmer suggested we lower the cost of miscellaneous expenses to \$1,500. Mrs. Conner advised the total cost would be lowered to \$7,100.

Mrs. Chrzanowski advised that she and Chief Dan Doyle have been actively collecting donations which should offset the costs.

Mr. Shellenberger made a motion to approve \$7,100 for the Memorial Day Events expenses, seconded by Mr. Pirolli.

The vote of Council was as follows:

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

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

## **AUTHORIZE ADVERTISEMENT OF PROPOSED ORDINANCE AMENDING PARK RULES & REGULATIONS**

Mr. Walsh advised that Council, at its March meeting, discussed amending the Park & Regulations chapter of Borough Code of Ordinances to include a definition for “quiet activities”, to amend the ordinance to allow quiet activities in the Tullytown Canal Park only from dusk to dawn and to also allow camping in the Tullytown Canal Park from dusk to dawn provided it was done in conjunction with a Borough sponsored event such as the Police Department. Mr. Walsh added that he reviewed other municipalities’ ordinances to obtain wording—he added that if Council has any suggestions on wording of the proposed ordinance, to so advise.

Mrs. Chrzanowski explained that we referred to “quiet time” because some of the Wal-Mart employees like to take a walk on their break—some of them work at 2 am, etc.

Mrs. Kettler commented that we were trying to just deter loud noises, etc. at certain parts of the day. Mr. Walsh advised that the Borough ordinance already addressed that issue.

Mr. Walsh explained that he also clarified the 2 (two) parks. Mr. Walsh also indicated that in Section 03 which refers to hours and Section 04 referring to camping—the only substance that has changed is to allow the quiet recreation activities in the Tullytown Canal Park between sunset and sunrise and to allow the camping provided it is done by sponsorship of Tullytown Borough Police.

Mr. Pirolli made a motion to authorize advertisement of the proposed amendments to the Ordinance regarding Park Rules & Regulations, seconded by Mrs. Johnson.

Bobbie Depalo, 383 Main Street, Tullytown, asked for explanation of the “camping”. Miss Slemmer explained that the police officers were going to do a campout with the kids.

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

Mr. Walsh advised he will advertise and it will be placed on next month’s agenda for consideration.

## **LARGE EVENT APPLICATION—ST. MICHAEL’S CHURCH—CONSIDERATION**

Mrs. Conner advised that St. Michael’s Church applied for large event application for their annual fair which will be held June 26<sup>th</sup> through July 8<sup>th</sup>. She further advised that Code Enforcement Officer, Police Chief and Fire Marshal reviewed and signed off with recommendations as indicated on the application.

Mr. Pirolli made a motion to approve the large event application with recommendations as noted on application for St. Michael's Annual Fair. Miss Slemmer seconded the motion.

Mr. Shellenberger suggested to add to the motion the fact that Chief Doyle requested 2 police officers be present even though St. Michael's security is contracted out. Miss Slemmer advised that Chief's Doyle's recommendations are indicated on the application.

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

#### **ENGAGEMENT LETTER-LOPEZ, TEODOSIO & LARKIN, LLC, AUDITOR—APPROVAL**

Mr. Walsh advised that last month, Council approved the hiring of Lopez, Teodosio & Larkin as Borough Auditor. He further advised that Council has to authorize Council president to sign the engagement letter with that firm.

Mrs. Chrzanowski made a motion to authorize Council president to sign the engagement letter with Lopez, Teodosio & Larkin, seconded by Mr. Pirolli.

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

#### **BCHIP—REQUEST FOR DONATION \$3,000**

Mrs. Conner advised that Council received a request from Bucks County Health Improvement Partnership for a donation of \$3,000. Ms. Gahagan advised this is for residents who don't have health insurance.

Mr. Shellenberger made a motion to donate \$3,000 to BCHIP, seconded by Mr. Pirolli.

The vote of Council was as follows:

Mrs. Chrzanowski—for

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Mr. Shellenberger—for

Mrs. Johnson—for

Ms. Gahagan--for

The vote of Council was unanimous; the motion carried.

#### **GRANT PERMISSION BOARD OF HEALTH TO TREAT BOROUGH PROPERTIES FOR MOSQUITOES**

Mrs. Smith advised that the Board of Health has requested permission of Tullytown Borough to spray the Borough properties for mosquitoes causing diseases.

Mr. Pirolli made a motion to authorize Bucks County Board of Health to spray Tullytown Borough properties for mosquitoes. Mrs. Johnson seconded the motion.

Ms. Gahagan asked if the Borough is charged for that. Mrs. Smith advised we are not charged.

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

#### **HEALTH INSURANCE—FULL TIME EMPLOYEES—CONSIDERATION**

Mrs. Smith advised that we received proposals. She advised our broker shopped for different plans from different companies for the health insurance for Borough employees. She advised that Independence Blue Cross/ Blue Shield comes out the cheapest; however, it is an 18.8% increase. Mrs. Smith advised she contacted another broker and they also advised this is the best price we can get. She added we are at the “bronze” plan which is the lowest level of plan—the highest level of deductible—we don’t have any room to move to drop this price. Mrs. Smith did advise that the way we set up insurance is continuing to save us money—last year we saved \$352,000 with that set up and this year projected savings of \$443,000 doing it that way.

Mr. Shellenberger made a motion to purchase the health insurance through Blue Cross/Blue Shield for \$159,390.72. Mr. Pirolli seconded the motion.

The vote of Council was as follows:

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.

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

Mrs. Smith advised that Council approved selling the truck at the last meeting. She advised that we placed on Municibid—the highest bid we received was \$13,500. Mrs. Smith advised we put a reserve on for \$25,000 so we have the ability to reject all bids. She added this might be prudent as we could advertise in the Bucks County Courier Times to direct bidders to check the Municibid site.



Mrs. Johnson made a motion to reject all bids and re-advertise in the Bucks County Courier Times which will direct bidders to the Municibid. Mr. Pirolli seconded the motion.

Mr. Pirolli suggested to clarify in the Courier Times that the minimum bid is \$25,000.

Mr. Shellenberger suggested this truck is primarily used for winter—it may be helpful to wait until fall. Mr. Pirolli commented that it won't hurt to advertise at this point and if we don't receive minimum bid we can re-advertise.

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

## **COMMITTEE REPORTS**

There were no committee reports.

## **BOROUGH REPORTS**

### **MAYOR'S REPORT**

Mayor Cutchineal advised the planning for Memorial Day Events are underway. He announced the 2018 Grand Marshal is Carmine Maggio from Stonybrook Drive. He advised the list of participants in the parade. He added that the annual Memorial Concert will be held in the Borough Park from 6 to 10 pm featuring the band "SamStorm".

Mayor also congratulated all the law enforcement agencies who achieved swift justice in securing the guilty verdict against Christopher Kuhn in the death of 2 year old Qadan Trielvel, last fall. Mayor particularly congratulated police officers Finby, Grotz, Sgt. Kulan and Chief Doyle on their excellent work.

### **COORDINATOR'S REPORT**

Mrs. Smith presented her coordinator's report; a copy of which is attached to the minutes.

PECO---Mrs. Smith advised we sent letter to PECO confirming the number of lights suggesting that we believe this has been overbilled since 1990. She advised this stemmed from us trying to buy out the lights in order to change them to LED which would cost the electricity for the lights and the maintenance.

Mrs. Smith advised she spoke with Mr. Walsh and indicated that we could split and start the purchase and the ability to reclaim from PECO on two (2) different paths.

Mr. Shellenberger made a motion to direct the solicitor and Mrs. Smith to start negotiations with PECO to purchase the LED poles, seconded by Mrs. Johnson.

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

Mr. Walsh advised he will review the material regarding the overbilling and report back to Council at next meeting.

VERIZON---Mrs. Smith advised that Verizon contacted us regarding installing a cell tower on Borough property. They are looking at the Borough Park, the fire company property or the 10 acres between old Rt. 13 and Rt. 13. She added they need a 50 x 50 foot site which would bring a revenue of \$21,000 and be incremented by 2% every year. She suggested maybe bringing before Streets & Buildings Committee to make recommendation to Council.

Mr. Pirolli asked if Verizon commented on what property they prefer. Mrs. Smith advised they would prefer the Borough Park. Mr. Pirolli commented he has seen some cell towers they create “treelike” and feels it would be acceptable.

Mr. Walsh explained that Verizon will need to build a tower, a cabinet (equipment building) and they need a driveway for service road. He added there is a level where County emergency services will have availability.

Mr. Shellenberger commented that he was concerned with the tower being placed in the Borough Park with children playing. He had other ideas for the property on Rt. 13 and suggested that the tower be placed on fire company property. Mr. Pirolli commented that he would like the Borough to receive the revenue. Council agreed to have Mrs. Smith continue working with Verizon. Mrs. Smith did comment that a variance will be required from our existing cell tower ordinance—we could just go to Zoning Hearing Board.

Mrs. Smith advised the Borough is sponsoring Clean Up Day, Saturday, April 14<sup>th</sup> from 9 am to 1 pm. She added that it is a fun day---supplies are available—hot dogs and drinks afterwards. She advised the police are also there to participate.

Mrs. Kettler commented on the yard waste issue mentioned in Mrs. Smith’s report. Mrs. Smith advised that many people use trash cans for yard waste which is overloaded. Mr. Pirolli suggested the residents use the lawn bags and try to eliminate the over lifting. She suggested putting out notice to residents that leaves, grass clippings, etc. be put into bags. She added that the ordinance already states to cut the pieces into 3 foot pieces or it won’t be picked up.

Mrs. Kettler made a motion that the Borough require the use of lawn bags for leaves and clippings and if they don’t comply, it will not be picked up. Miss Slemmer seconded the motion.

Mr. Shellenberger commented that we put a notice out to the residents. Mrs. Smith advised that she will do so. Mrs. Kettler agreed that a refresher for our residents for our employee's safety is in order.

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

Mrs. Smith advised that the River's Edge Funeral Home is waiting for the final inspection which it had and the final documentation. Mrs. Kettler asked if anyone has been inside this funeral home. Mrs. Smith advised our building inspector has been inside. She added it looks like a funeral home and commented that there is a sect of certain religions where they are required to observe the cremation of the body so all is required of a religious service is that they be able to observe it and they can in this building. Miss Slemmer asked if they are required to conduct a certain number of funerals. Mrs. Smith advised that is to be determined. Mrs. Smith advised she doesn't recall but will get back to Council. Mrs. Kettler commented that she wants to make sure they are holding funerals there—that was agreed upon—it is not to be used primarily as a crematory.

#### **CHIEF'S REPORT**

No Report

#### **SOLICITOR'S REPORT**

Mr. Walsh advised that he had no report for the evening.

#### **ENGINEER'S REPORT**

No Report

#### **MISCELLANEOUS COUNCIL BUSINESS**

There was no miscellaneous Council business discussed.

#### **ADJOURNMENT**

There being no further business, a motion was made by Mr. Pirolli to adjourn the meeting, seconded by Miss Slemmer. All of Council was in favor of the motion; the motion carried.

The meeting was adjourned at 7:52 p.m.

Respectfully submitted,



Nancy Conner  
Borough Secretary