

## **TULLYTOWN BOROUGH COUNCIL MEETING**

### **June 5, 2018**

President, Mary Ann Gahagan called the meeting of the Tullytown Borough Council to order on Tuesday, June 5, 2018 at 7:00 p.m.

Mayor Cutchineal asked for a moment of silence for June Bierman, Helen Andruzzi, Lillian Terneson and Beatrice Trimble who passed away.

Present at the meeting:

Mayor Cutchineal

Councilwoman Chrzanowski

Councilwoman Kettler

Councilwoman Slemmer—absent due to another commitment

Councilman Pirolli

Councilman Shellenberger—absent due to illness

Councilwoman Johnson

Councilwoman Gahagan

Also present:

Thomas J. Walsh, Borough Solicitor

Kurt Schroeder, Gilmore & Associates Inc.

Joe McPadden, Borough Treasurer

Nancy Conner, Borough Secretary

### **SOLICITOR'S REPORT ON EXECUTIVE SESSION**

Mr. Walsh advised that a personnel matter was discussed in executive session prior to tonight's Council meeting.

### **PUBLIC COMMENT**

There was no public comment.

### **COUNCIL MINUTES**

Mr. Pirolli made a motion to approve the minutes of the May 1, 2018 Council meeting, seconded by Mrs. Johnson.

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

Mrs. Johnson made a motion to approve the minutes of the May 8, 2018 special Council meeting, seconded by Mrs. Kettler.

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

## **TREASURER'S REPORT**

### **MONTHLY BILLS**

Mrs. Chrzanowski made a motion to pay the monthly bills in the amount of \$74,559.54. Mrs. Johnson seconded the motion.

Roll call vote was taken:

Mrs. Chrzanowski—for

Mrs. Kettler—for

Mr. Pirolli—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 May 2018, seconded by Mrs. Kettler.

Roll call vote was taken:

Mrs. Chrzanowski—for

Mrs. Kettler—for

Mr. Pirolli—for

Mrs. Johnson—for

Ms. Gahagan—for

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

## **COMMUNICATIONS**

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

## **GENERAL BUSINESS**

### **PROPOSED VERIZON CELL TOWER—PRESENTATION**

Mary Devlin, site acquisition manager for network building and consulting and Kate Hennessey, site acquisition associate for network building and consulting of Verizon were present to address Council.

Ms. Devlin advised they have been assigned by Verizon Wireless to find a location within Tullytown Borough for a new cell tower. She added that Verizon Wireless has a lack of coverage in this area. Ms. Devlin commented that they believe there may be property back in the Municipal lot and they would like to propose a tower for that location. She added that Verizon typically needs 50' x 50' (2,500 square feet) in space; however, they can shrink the compound if necessary. She added the equipment would hold Verizon equipment cabinets and the mono pole. Ms. Devlin advised that if the Borough would allow Verizon to have the full 2,500 square feet they should be able to fit 3 to 4 wireless carriers on the tower with their equipment cabinets within the compound. She added they can screen the compound with landscaping or PVC fence, whichever the Borough would desire. Ms. Devlin indicated that if the Borough is interested in this, Verizon can forward a lease agreement for review. She added they would also set up a site visit within the next few weeks with their engineers and construction manager to review the location.

Mrs. Kettler asked Ms. Devlin if they have looked at the site. Ms. Devlin advised she did look at the property. She commented that it appears the property line ends where the industrial park is located and noticed the parking lot of the Fire Company. Mrs. Johnson advised the Fire Co owns that parking lot. Ms. Devlin advised that if that property is available or any property extending down to Main Street by Meenan Oil Co, they would definitely be interested in proposing a tower on Borough property.

Mr. Walsh asked Ms. Devlin if they have looked into the zoning of this property for its use. Ms. Devlin advised that if the Borough, after review of the lease agreement has any comments, we move forward and then they would proceed with zoning, obtaining permits, etc. She added that all expenses are paid for by Verizon with no expense to the property owner.

Mr. Pirolli made a motion to authorize moving forward with exploratory talks with Verizon and assisting in due diligence without any further commitment until we get to the next step. Mrs. Chrzanowski seconded the motion.

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

Mr. Walsh advised that Nancy Conner would be the point of contact.

Ms. Devlin advised the next step, after approval of this location by Verizon, would be to schedule the site visit and forward the lease agreement (draft) and have zoning drawings and construction drawings for the Borough's review.

**COMCAST RENEWAL—AGREEMENT WITH COHEN LAW GROUP—CONSIDERATION  
COHEN LAW GROUP FEE—CONSIDERATION**

Mr. Walsh advised that Council has a proposal from the Cohen Law Group to participate in the consortium which consists of 12 municipalities to negotiate the cable franchise with Comcast. He further advised that the Cohen Law Group charges a flat rate based on the population of each municipality. Mr. Walsh advised the Borough's cost would be \$1,240.61. Mr. Walsh explained that the Cohen Group through their negotiations will come up with "model" franchise agreement and if Council is agreeable they can adopt as an ordinance.

Mr. Walsh advised that the Cohen Law Group is also proposing that they will conduct an audit looking at all the payments the Borough has received from Comcast to ensure we are receiving what is due the Borough. Mr. Walsh indicated the cost of that audit is \$3,500. Mr. Walsh recommended that at the minimum to engage in the services of Cohen Law Group to negotiate contract with Comcast.

Mrs. Kettler questioned why only 12 municipalities involved. Mr. Pirolli commented that there are the only municipalities that the agreement is up for renewal at this time.

Mr. Pirolli made a motion to engage in the services of the Cohen Law Group to negotiate with Comcast in the amount of \$1,240.61. Mrs. Johnson seconded the motion.

Roll call vote was taken:

Mrs. Chrzanowski—for

Mrs. Kettler—for

Mr. Pirolli—for

Mrs. Johnson—for

Ms. Gahagan—for

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

**WATERSHED RESTORATION & PROTECTION PROGRAM—CONSIDERATION ENGINEER  
TO APPLY FOR GRANT**

Mr. Kurt Schroeder of Gilmore Associates advised that Samantha Brinker, also of Gilmore, has found a grant possibility through the Department of Environmental Protection and she is recommending that the Borough apply for it. Mr. Schroeder advised that the Borough is fortunate to be one of the few municipalities that already have received approval from DEP for the MS4 for this new project we need to accomplish—he added that we might get ahead of the competition.

Mr. Schroeder advised that the pollutant reduction plan is currently to construct rain gardens at the rear of the Borough property which has not been designed as yet. He added they have to conceptually design this facility and develop a better cost estimate. Mr. Schroeder indicated it could run as much as \$300,000 to construct which would include the permitting, engineering cost, surveying, construction oversight. He added that this grant allows for up to 85% that they will pay for so the cost of construction to the Borough would be approximately 15%.

Mr. Schroeder commented the cost of the application is approximately \$5,000 to \$6,000 and suggests budgeting another several thousand dollars to do the conceptual design effort that they will need to do anyway.

Mrs. Johnson made a motion to table this matter. Mr. Schroeder advised Council would have to make a decision this meeting as the application is due July 13<sup>th</sup>. There was no second to the motion; therefore, the motion failed. Mr. Schroeder commented that this project would have to go out to bid.

After further discussion, Mr. Pirolli made a motion to authorize Gilmore & Associates to apply for grant application with a cost of approximately \$5,000 to \$6,000. Mrs. Kettler seconded the motion.

Roll call vote was taken:

Mrs. Chrzanowski—for

Mrs. Kettler—for

Mr. Pirolli—for

Mrs. Johnson—for

Ms. Gahagan—for

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

#### **ZONING HEARING BOARD APPLICATION FOR HEARING— LEVITTOWN TOWN CENTER—URGENT CARE**

Mr. Walsh advised the applicant was not present for discussion and Mrs. Conner advised the next scheduled Zoning Hearing Board meeting was tentative for July 18<sup>th</sup>. A motion was made by Mrs. Johnson to table this matter until July Council meeting. Mrs. Kettler seconded the motion.

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

## **CLARK ENVIRONMENTAL MOSQUITO MANAGEMENT INC. CONTRACT—CONSIDERATION**

Mrs. Conner advised that the Borough has contracted with Clarke Mosquito in the past. She advised they perform 5 truck treatments approximately around 3 miles of the Borough Park.

Mrs. Conner commented that the price of the contract is the same as last year - \$2,400; however, she looked into obtaining some other prices for comparison. Mrs. Conner added that she contacted the Board of Health to obtain some other names of companies and she was advised that Clarke is very reputable and other companies sell supplies only—they recommended the Borough stay with Clarke Mosquito.

Mrs. Kettler made a motion to engage in the services of Clarke Environmental Mosquito Management Inc in the amount of \$2,400, seconded by Mrs. Johnson.

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

## **ONE APPOINTMENT TO CABLE ADVISORY COMMITTEE**

Mrs. Conner advised that Harry Wirebach's term expired May, 2018 and he expressed interest in being re-appointed. She added this is a 3 year term.

A motion was made by Mrs. Chrzanowski to appoint Harry Wirebach to the Cable Advisory Committee for another 3-year term. Mr. Pirolli seconded the motion.

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

## **COMMITTEE REPORTS**

Mr. Pirolli advised that the Borough's backhoe is close to 30 years old. Mr. Pirolli advised that pricing was obtained and 3 quotes were received. Mr. Pirolli added that the best price is with Cherry Valley Tractor Sales in New Holland in the amount of \$75,189.20 which includes the trade-in of \$8,500.

Mrs. Johnson made a motion to accept the bid of Cherry Valley Tractor Sales in the amount of \$75,189.20 to purchase new backhoe. Mrs. Chrzanowski seconded the motion.

Roll call vote was taken:

Mrs. Chrzanowski—for

Mrs. Kettler—for

Mr. Pirolli—for

Mrs. Johnson—for

Ms. Gahagan—for



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

## **BOROUGH REPORTS**

### **MAYOR'S REPORT**

Mayor Cutchineal read his Mayoral Proclamation for Blanche Zumoff for celebrating her 100<sup>th</sup> Birthday.

Mayor Cutchineal also mentioned the St. Michael's Fair will be held from June 26<sup>th</sup> through July 8<sup>th</sup>.

Mayor Cutchineal commented the Parade came off very well—he congratulated everyone who participated and volunteered. He added the post parade meeting will be held on June 12<sup>th</sup> 6:00 p.m.

He indicated the best decorated house winners: 1<sup>st</sup> place – 357 Main Street, 2<sup>nd</sup> place – 348 Main Street.

### **CHIEF'S REPORT**

There was no report.

### **SOLICITOR'S REPORT**

Mr. Walsh commented that Borough Council did meet earlier in executive session as he indicated to discuss personnel matter which involves status of employment of the former Borough coordinator. He added that we have a tentative separation agreement with the Borough coordinator which he will ask Council to approve. Mr. Walsh advised that the agreement has been negotiated by the special counsel that the Borough hired and Mrs. Smith's attorney. He added that Mrs. Smith's employment will be separated and will be paid a severance package of 10 weeks (3 of which she has already been paid) and once it is finalized the payroll will continue for another 7 weeks. Mr. Walsh advised that this will not impact her ability to file for unemployment compensation benefits and the Borough would receive full release on any other claims she might have including employment related discharge, any back pay or comp time pay. He added that each side would bear their own attorney's fees for the agreement—that would be a minimum requirement for the agreement. Mr. Walsh advised that once the agreement is finalized and approved by special counsel, the Council president would then have the authorization to sign it.

Mrs. Kettler made the motion that Council president would have the authority to sign the agreement between Mrs. Alison Smith and Borough, once the agreement is finalized and the Borough's special counsel has approved such agreement. Mrs. Chrzanowski seconded the motion.

Roll call vote was taken:

Mrs. Chrzanowski—for

Mrs. Kettler—for

Mr. Pirolli—for

Mrs. Johnson—for

Ms. Gahagan—for

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

Mrs. Chrzanowski made a motion to advertise for a new Borough coordinator, seconded by Mrs. Kettler.

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

Mrs. Chrzanowski made a motion to place Chief Dan Doyle as interim Borough coordinator for the time being. Mr. Pirolli seconded the motion.

Ms. Gahagan asked if Council wishes to compensate Chief Doyle. Mrs. Chrzanowski commented that should be discussed first.

Mrs. Chrzanowski amended her motion to place Chief Dan Doyle as interim Borough coordinator for the time being subject to a compensation arrangement ratified by the Personnel committee. Mr. Pirolli seconded the amended motion.

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

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

Mr. Schroeder of Gilmore Associates advised he had no further report for the evening.

#### **MISCELLANEOUS COUNCIL BUSINESS**

Mrs. Kettler made a motion to re-organize Borough Council. Mr. Pirolli seconded the motion.

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

Mayor Cutchineal opened the floor for nominations for President of Council.

Mrs. Kettler nominated Nina Chrzanowski.

There being no further nominations, nominations were closed.



Roll call vote was taken:  
Mrs. Chrzanowski—abstain  
Mrs. Kettler—for  
Mr. Pirolli—for  
Mrs. Johnson—for  
Ms. Gahagan—against

The vote was 3 in favor; 1 against; 1 abstention. The motion carried.

Mayor Cutchineal opened the floor for Vice President of Council.

Mrs. Johnson nominated Joe Shellenberger.

There being no further nominations, Mayor Cutchineal closed the floor for nominations.

Roll call vote was taken:  
Mrs. Chrzanowski—for  
Mrs. Kettler—for  
Mr. Pirolli—for  
Mrs. Johnson—for  
Ms. Gahagan—for

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

## **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 7:45 p.m.

Respectfully submitted,



Nancy Conner  
Borough Secretary