

# **TULLYTOWN BOROUGH COUNCIL MEETING**

## **January 8, 2019**

President, Nina Chrzanowski called the meeting of the Tullytown Borough Council to order on Tuesday, January 8, 2019 at 7:00 p.m.

Present at the meeting:

Mayor Cutchineal—absent due to family medical emergency  
Councilwoman Gahagan  
Councilwoman Kettler  
Councilwoman Slemmer  
Councilman Pirolli  
Councilman Shellenberger  
Councilwoman Johnson  
Councilwoman Chrzanowski

Also present:

Thomas J. Walsh, Borough Solicitor  
Andy Warren, Borough Coordinator  
Joe McPadden, Borough Treasurer  
Daniel Doyle, Chief of Police  
Dan Pasciullo, Fire Marshal  
Nancy Conner, Borough Secretary

### **PUBLIC COMMENT**

There were no comments from the public.

### **SOLICITORS REPORT ON EXECUTIVE SESSION**

Mr. Walsh advised that Council met in executive session prior to tonight's meeting to discuss a potential litigation.

### **COUNCIL MINUTES**

Mrs. Johnson made a motion to approve the minutes of the December 4, 2018 Council meeting, seconded by Mr. Pirolli.

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

## **TREASURER'S REPORT**

### **MONTHLY BILLS**

Mr. Pirolli made a motion to approve the bills in the amount of \$37,902.30. Mrs. Johnson seconded the motion.

Roll Call vote was taken:

Ms. Gahagan—for

Mrs. Kettler—for

Miss Slemmer--for

Mr. Pirolli—for

Mr. Shellenberger--for

Mrs. Johnson--for

Mrs. Chrzanowski-for

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

### **RECONCILIATION STATEMENT**

Mr. Shellenberger made a motion to approve the Reconciliation Statement for December, 2018, seconded by Mr. Pirolli.

Roll call vote was taken:

Ms. Gahagan—for

Mrs. Kettler—for

Miss Slemmer--for

Mr. Pirolli—for

Mr. Shellenberger--for

Mrs. Johnson--for

Mrs. Chrzanowski-for

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

### **AUTHORIZE TRANSFER OF FUNDS VIA RESOLUTION #405**

Miss Slemmer made a motion to adopt Resolution #405 authorizing the transfer of funds in the amount of \$100,000 from Sterling Advisors to the General Fund, seconded by Mr. Shellenberger.

The vote of Council was as follows:

Ms. Gahagan—for

Mrs. Kettler—for

Miss Slemmer--for

Mr. Pirolli—for

Mr. Shellenberger--for

Mrs. Johnson--for

Mrs. Chrzanowski-for

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

## **COMMUNICATIONS**

Mrs. Conner advised she had nothing for the month.

## **GENERAL BUSINESS**

### **1 FALLSINGTON AVENUE—ZONING HEARING DISCUSSION**

Charles Phalen, 100 Cedar Avenue, Croydon, advised he is the operations Chief for Step by Step—a recovery house. He stated that sober living homes differ from rehab centers—they are located in quiet neighborhoods. He added that people who live in a sober living house can come and go as they please as long as they follow curfew and the occupants have to take random drug testing. Mr. Phalen advised they use a 16 panel drug test. He added that as of Feb 1<sup>st</sup> they will be using 17 panel drug test. He commented that people living there are expected to be responsible—to pay for their rent and buy and cook their own food much like if they were living on their own. He added they get their clients from rehab. They recommend rehab set them up in –teaching them so they can go back in the real world and residents stick to their sobriety rules and commitments. Mr. Phalen added that sober house reinforce good behavior and build healthy relationships. He further added that they are taught daily living—they have chores to do on a daily basis.

Mr. Shellenberger asked how many people would be staying there and the duration. Mr. Phalen advised he does not know—he said it depends on how many people can stay in the house according to the State.

Mr. Walsh asked how many bedrooms are proposed. Mr. Phalen was not certain. Mr. Walsh commented that it would have to meet occupancy codes.

Mr. Shellenberger asked if there is a one strike rule if they fail a drug test. Mr. Phalen answered yes. He explained that if a person does come up “hot” on a test, they are not given a second chance. He added that he personally will bend over backwards to get them treatment outside the living facility if they want it. He stated that if they don’t want the treatment they can’t stay.

Mr. Walsh asked if there is a minimum time frame that the individual needs to be clean and sober before you accept them. Mr. Phalen advised that usually a stay in a rehab is 28 to 30 days and then they come directly to the sober house.

Miss Slemmer asked how often the drug testing is done. Mr. Phalen advised random drug testing is done at least once a week.

Mr. Walsh asked what if the individual is caught with contraband or drugs or alcohol. Mr. Phalen advised they would be discharged as well.

Mr. McPadden asked how the sober house is funded. Mr. Phalen advised they are self-supporting. They rely on the rents that come in—they get no funding from the State or Federal governments.

Mr. Shellenberger asked if someone fails the drug test and they refuse treatment, what would the next step be. Mr. Phalen advised they would have to get in touch with someone such as family member, close friend, etc. to come pick them up.

Mr. Walsh asked if this house on Fallsington Avenue be single gender. Mr. Phalen advised that at this time they are planning on females only—no dual gender.

Mr. Walsh commented that the application shows the applicant is William Steiner and Mr. Phalen references Step by Step. Mr. Phalen advised that Mr. Steiner is president of Step by Step. Mr. Walsh commented that Step by Step is actually the applicant so the application needs to be corrected. Mr. Phalen advised that Mr. Steiner is the owner of the property. Mr. Walsh asked if this property is under an agreement of sale. Mr. Walsh commented that at the Zoning Hearing Board meeting Mr. Steiner will need to show the agreement of sale. Mr. Walsh asked for clarification that Step by Step is the tenant that would run the sober house and be the occupant.

Mr. Walsh asked how many sober homes Step by Step has presently. Mr. Phalen advised there are 2 in Croydon 3 in Levittown, 1 in Pottstown and 1 in Bensalem. Mr. Phalen commented they have not had any problems with the sober homes in the neighborhoods. Mr. Phalen advised that one of the neighborhoods there were some concerned residents so they had a meeting to discuss with the neighbors and they would be willing to do the same here also.

Mr. Walsh asked if they ever closed a house because it strayed from operating as a sober house and became something more of a rehab center or was problematic because of drug and/or alcohol use on the property. Mr. Phalen answered they did not. Mr. Phalen advised that he evaluates every prospective occupant.

Mr. Walsh asked if occupants have to have emergency contact. Mr. Phalen advised that is correct—that information has to be provided on the forms that are completed by occupants.

Mr. Walsh commented that the application states the proposed use of the land and building possibly treatment at the recovery house. Mr. Walsh commented that he understood there is no treatment done at the homes—not treatment in the medical sense. Mr. Phalen added that possibly could be the Vivitrol shot (an opioid blocker) which is actually done at a doctor’s office. Mr. Phalen added that residents at their sober houses cannot be on any kind of narcotics or alcohol whatsoever.

Mr. Walsh asked if every occupant signs a lease or agreement. Mr. Phalen advised they sign a paper where it states that they agree to pay so much money per week for rent. Mr. Phalen commented they could stay as long as they want. Miss Slemmer asked what if they don’t have a job. Mr. Phalen advised he will “carry” them for a while and once they get a job they will pay their rent and put money towards the back rent.

Mr. Walsh asked if the occupants have vehicles. Mr. Phalen advised some do, some don’t—many have to rely on public transportation. Mr. Walsh asked if Step by Step provides transportation. Mr. Phalen answered no.

There were no other questions of Council.

#### **LBCJMA APPOINTMENT/RESOLUTION #406—CONSIDERATION**

Miss Slemmer made motion to appoint Michael Sidoti for the vacancy on the Lower Bucks County Joint Municipal Authority by adopting Resolution #406, seconded by Mrs. Kettler. Mr. Shellenberger asked if they could nominate someone else. Mr. Walsh advised he can mention someone but there is a motion to vote on.

The vote of Council was as follows:

Ms. Gahagan—against

Mrs. Kettler—for

Miss Slemmer-for

Mr. Pirolli—for

Mr. Shellenberger—against

Mrs. Johnson—against

Mrs. Chrzanowski—for

The vote was 4 in favor, 3 against; the motion carried.

Mrs. Johnson commented that she wanted to make a motion to nominate Chip Vandine as there were 2 people who sent letters to be appointed. Mr. Walsh advised that to fill an appointment to a board is done by motion and seconded. Mr. Walsh advised Mr. Shellenberger that he can question or comment on that motion but there was a motion to vote on.

**VACANCY BOARD CHAIR APPOINTMENT/RESOLUTION #407—CONSIDERATION**

Mrs. Conner advised that Victoria Bleistein’s appointment expired as Chair of Vacancy Board and Victoria Bleistein is interested in being re-appointed. Mrs. Kettler made a motion to re-appoint Victoria Bleistein as Chair of the Vacancy Board by adopting Resolution #407. Ms. Gahagan seconded the motion.

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

**ZHB APPOINTMENT/RESOLUTION #408—CONSIDERATION**

Mrs. Conner advised that Ron Lazeration’s term expired and Ron is interested in being re-appointed. Mr. Pirolli made a motion to re-appoint Ron Lazeration by adopting Resolution #408, seconded by Ms. Gahagan.

The vote of Council was unanimous in favor of the motion—the motion carried.

**PARK & RECREATION COMMITTEE APPOINTMENT**

Mrs. Conner advised that Michele Hammar’s term expired on the Park & Recreation Board and Michele is interested in being re-appointed. Mrs. Johnson made a motion to re-appoint Michele Hammar, seconded by Mr. Shellenberger.

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

**PLANNING COMMISSION APPOINTMENT**

Mrs. Conner advised that Rich Hart’s term expired on the Planning Commission and Rich is interested in being re-appointed. Mr. Shellenberger made a motion to re-appoint Rich Hart to the Planning Commission for a 4 year term, seconded by Mr. Pirolli.

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

**AUTHORIZE SOLICITOR TO DRAFT AMENDMENT TO CHAPTER 170-27 OF BOROUGH ORDINANCE**

Mr. Warren commented that some residents have called the Borough regarding a boat parked on one of the roads in Levittown which is impeding on vision for residents driving. Mr. Warren advised he drove there and did see that it was in a key intersection. Mr. Warren advised that however, the ordinance is incorrect in naming roads and house numbers are misidentified.

Mr. Warren added that the purpose of this request is to have the solicitor review this section of the ordinance which relates to parking of boats trailers, etc. on Kenwood Drive North and South. Mr. Walsh advised the other parts of the ordinance can be corrected at a later date.

Mrs. Chrzanowski asked if we will at least give residents a warning first when they have violated the ordinance. Chief Doyle commented that their procedure is when a complaint is received, they

will give a warning, if another complaint is received they will give a 2<sup>nd</sup> warning and give them a copy of the ordinance to show what they are in violation of and the 3<sup>rd</sup> time they get called out, they start issuing citations if it is enforceable.

Mr. Warren commented that our police department will enforce the ordinances especially for the safety of the residents but they can't do anything unless the ordinance is correct.

Ms. Gahagan made a motion to authorize the solicitor to draft an amendment to the ordinance to correct Kenwood Drive North and South street numbers in Section 170-27 of the Ordinance. Mr. Shellenberger seconded the motion.

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

**AUTHORIZE COUNCIL PRESIDENT TO SIGN PROFESSIONAL SERVICES AGREEMENT FOR 578 MAIN STREET**

Mr. Walsh advised that an individual is proposing land development for 578 Main Street. He added it is customary that the applicant sign a professional services agreement with the Borough which under the law requires them, as they are obligated, to reimburse the Borough for all professional fees and expenses incurred in review of that application.

Mrs. Kettler asked what the applicant is doing. Mr. Walsh advised the land development application was just submitted and given to both he and Council this evening. He thinks it involves a motel or hotel or something like that.

Mr. Shellenberger made a motion to authorize Council president to sign the professional services agreement for 578 Main Street, seconded by Mrs. Kettler.

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

**AUTHORIZE SOLICITOR TO DRAFT AMENDMENT TO CHAPTER 158 OF BOROUGH ORDINANCE**

Mr. Warren advised that our auditor did a review of the business privilege taxes and mercantile taxes and proposed some recommendations.

Mr. Walsh added that the ordinance amendment relates to the dates for filing the returns. He further added that in the auditor's review of the business tax procedure, they suggested the due date be changed from January 31<sup>st</sup> to April 30<sup>th</sup> for the mercantile and business privilege tax returns.

Mr. McPadden explained that the business privilege tax and mercantile tax returns are combined on one form so the due date should be the same for both.

Mr. Sidoti, tax collector, commented that both taxes are on one form and we want to make the due date April 30<sup>th</sup> for both. He added that on the form, it states in order to submit taxes, you must supply paperwork to show proof of those numbers. He commented that up until this date, many of the businesses have not been doing that.

Mr. Walsh commented that in the ordinance the business privilege taxes section it mentions seasonal or temporary or itinerant business in 3 or less days. Mr. Walsh suggests that Act 511, the local tax enabling act, the minimum was changed a couple of years ago to be 15 or more days and we should comply with State law.

Mr. Shellenberger made a motion to authorize the solicitor to draft amendments to Chapter 158 of the Borough ordinance. Mrs. Johnson seconded the motion.

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

**PROPOSAL OF LOPEZ, TEODOSIO & LARKIN TO ANALYZE 2012 THROUGH 2016 BUSINESS PRIVILEGE TAX AND MERCANTILE TAX RETURNS—CONSIDERATION**

A motion was made by Mrs. Johnson to accept the proposal of Lopez, Teodosio & Larkin, not to exceed \$2,500, to analyze the 2012 through 2016 business privilege tax and mercantile tax returns. Mr. Pirolli seconded the motion.

Roll call vote was taken:

Ms. Gahagan—for

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Mr. Shellenberger—for

Mrs. Johnson—for

Mrs. Chrzanowski—for

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

**COMMITTEE REPORTS**

No Reports

**BOROUGH REPORTS**

**MAYOR'S REPORT**

No report



**SOLICITOR'S REPORT**

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

**COORDINATOR'S REPORT**

Mr. Warren advised that residents reported that there is a street light hanging at the gas station on the corner of Main Street and Fallsington Avenue. Mr. Warren added that on December 21<sup>st</sup> and on January 7<sup>th</sup> he spoke to PECO representative and he was assured that this will be repaired. He will follow up if it is not handled.

**CHIEF'S REPORT**

Chief Doyle advised he had no report for this evening.

**FIRE MARSHAL'S REPORT**

Mr. Pasciullo had no further report--his report has been distributed to Council.

**MISCELLANEOUS COUNCIL BUSINESS**

There was no miscellaneous Council business.

**ADJOURNMENT**

There being no further business, a motion was made by Miss Slemmer 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 7:56 p.m.

Respectfully submitted,



Nancy Conner  
Borough Secretary