

## **TULLYTOWN BOROUGH COUNCIL MEETING**

**June 4, 2019**

President, Nina Chrzanowski called the meeting of the Tullytown Borough Council to order on Tuesday, June 4, 2019 at 7:00 p.m.

Mayor Cutchineal asked for a moment of silence for Raymo Kline, Peter Verderame, our past solicitor in the 1970's and Michele Slager Gelber who all recently passed away.

Present at the meeting:

Mayor Cutchineal

Councilwoman Gahagan

Councilwoman Kettler

Councilwoman Slemmer

Councilman Pirolli

Councilman Shellenberger

Councilwoman Johnson

Councilwoman Chrzanowski

Also present:

Thomas J. Walsh III, Esquire, Borough Solicitor

Daniel Doyle, Chief of Police

Joe McPadden, Borough Treasurer

Nancy Conner, Borough Secretary

### **PUBLIC COMMENT**

Rich Hart, 50 Stream Lane, Levittown, commented that Council works well together and added that MaryAnn Johnson does a great job.

Mr. Hart also discussed the dumpster ordinance and advised the dumpster is now gone and there is now a new dumpster across the street at another property.

Mr. Hart commented that he contacted Borough Coordinator to give some input on the proposed dumpster ordinance. He suggested that there be regulation to scrutinize the area around the dumpster so debris is not in the street as he had found some nails.

Mr. Walsh advised that the coordinator, staff and Council members reviewed the ordinance and gave feedback within the last couple of months. Mr. Walsh added that it

doesn't state "nails" specifically but it does say any location or utilization of a waste dumpster upon a street should not be in a manner which constitutes the safety hazard to persons, property and animals. Mr. Walsh commented it is not as detailed but a general statement that the dumpster has to be used safely.

Mrs. Kettler commented that we won't be able to inspect every nail. She commented that will be patrolled but can't prove the nail in someone's tire came from that dumpster. She added the contractors need to clean up but doesn't think we can inspect and get every nail.

Mr. Hart suggested that the Borough be more diligent on having inspections around work sites to ensure the ordinance is enforced.

Mr. Hart asked if the website can show the names of people who have obtained license to solicit in the Borough. Mrs. Chrzanowski advised that there is a "no solicitation" list. She added that residents can call the Borough to sign up.

Chief Doyle advised that solicitors need to obtain a permit through the Police Department. Chief added that he is not sure if we can put the names on the website but he will check into it.

Mike Sidoti, 53 Stream Lane, Levittown, also commented about the dumpster on their street. Mr. Sidoti advised the dumpster is actually in the owner's driveway but he said nails fall out. He suggested that there be a clause in the ordinance that the owner make sure it is cleaned up. Mr. Walsh advised if the dumpster is in the property owner's driveway, it still has to be maintained but a permit is not needed according to this proposed ordinance.

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

Mr. Walsh advised that Council met in executive session prior to tonight's regular meeting to discuss 2 personnel matters and advised there is no action required on either one of them.

## **COUNCIL MINUTES**

### **May 7, 2019 Council Meeting**

Mr. Pirolli made a motion to approve the minutes of the May 7, 2019 Council meeting, seconded by Mr. Shellenberger.

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

## **TREASURER'S REPORT**

### **MONTHLY BILLS**

Miss Slemmer made a motion to approve the bills in the amount of \$38,006.66, seconded by Mrs. Kettler.

Mrs. Johnson commented that we indicate only \$38,006.66 of monthly bills but our total bills in the check register is \$297,803.45. Miss Slemmer advised payroll is included as well as other bills that are automatically paid. Mrs. Johnson commented we should include that so residents know what our real spending is per month.

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. Pirolli made a motion to approve the Reconciliation Statement for May, 2019, seconded by Miss Slemmer.

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.

Mr. Shellenberger commented that he agrees that all the spending should be indicated where the monthly bills' amount is. He then made a motion to show the actual number of the monthly bills. Seconded by Mrs. Johnson.

Roll call vote 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 no communications for the month.

## **GENERAL BUSINESS**

### **PUBLIC HEARING—DUMPSTER ORDINANCE**

Mr. Walsh advised that Council directed him to advertise the proposed ordinance for public hearing, after reviewing. Mr. Walsh advised that during the public hearing, the public can make any comment or question.

Mr. Walsh further advised the public notice was advertised in the May 28, 2019 edition of the Bucks County Courier Times and was sent to the Bucks County Law Library as well.

The public hearing was opened for comment or questions.

Mr. Shellenberger asked the cost of the permit. Mr. Walsh advised the cost is \$10.00 which will be set by resolution of Council.

Chris Shellenberger, 229 Kenwood Drive South, Levittown, questioned if dumpsters are similar to the big metal ones or trailers that people use to get rid of things. Mr. Walsh read the explanation of what a waste dumpster is from the ordinance.

Mike Sidoti, 53 Stream Lane, Levittown, asked if dump trailers are registered and tagged vehicles would they be allowed on the street regardless of a permit. Mr. Walsh commented that he feels that if it is there on a temporary basis it would qualify.

Mr. Shellenberger commented that this ordinance will create safer surroundings because dumpsters parked in the street cannot be seen at night and people were keeping them there for long periods of time.

There was no further comment; therefore, the public hearing was closed.

Mr. Pirolli made a motion to adopt Ordinance #393, seconded by Mrs. Johnson.

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

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

**RESOLUTION—ESTABLISHING FEE FOR APPLICATION FOR DUMPSTER PERMIT—CONSIDERATION**

Mr. Pirolli made a motion to adopt Resolution #416, 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

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

**AUTHORIZE SOLICITOR TO ADVERTISE UPDATING BOROUGH ORDINANCE REGARDING PA UCC ORDINANCES**

Mr. Walsh explained that the building codes that apply in every municipality in the State is called the Uniform Construction Code (UCC). He added there are multiple sub codes that make up the UCC such as building code, residential code, electrical code, mechanical code, etc. Mr. Walsh advised that the UCC came into effect in 2004. He added the State just adopted the 2015 Uniform Construction Codes and the Borough is updating its ordinance to reflect all the PA 2015 codes.

Mr. Walsh further advised that any time you amend your UCC ordinance, you have to send notice to the Department of Labor and Industry 30 days before the anticipated hearing date which is July 9, 2019.

Mr. Shellenberger made a motion to authorize the solicitor to advertise for public hearing for the July 9<sup>th</sup> Council meeting. 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.

#### **RE-APPOINTMENT TO ENVIRONMENTAL ADVISORY COUNCIL—CONSIDERATION**

Mrs. Conner advised that Rachel Clark's term expired on the Environmental Advisory Council. She added that Rachel is interested in being re-appointed and this is a 3-year term.

Mr. Pirolli made a motion to re-appoint Rachel Clark to the Environmental Advisory Council, seconded by Miss Slemmer.

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

#### **APPOINTMENT TO ENVIRONMENTAL ADVISORY COUNCIL—CONSIDERATION**

Mrs. Conner advised that another Borough resident is interested in being appointed to the Environmental Advisory Council; namely Joyce Beer of Lilac Lane. Mrs. Conner added this term is also for 3 years.

Ms. Gahagan made a motion to appoint Joyce Beer to the Environmental Advisory Council, seconded by Mr. Pirolli.

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

#### **HIRE 2 PART-TIME POLICE OFFICERS—CONSIDERATION**

Chief Doyle advised that there is only 1 part-time officer to be hired this evening; namely William Bresnahan.

Mr. Pirolli made a motion to hire William Bresnahan as a part-time police officer, seconded by Miss Slemmer.

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

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

**AUTHORIZE COUNCIL PRESIDENT TO EXECUTE CONTRACTS WITH FOOD TRUCK VENDORS FOR PICNIC**

Mr. Shellenberger made a motion to authorize Council president to execute contract with DeLorenzo's the Burg, seconded by Mr. Pirolli. Mrs. Conner advised that we have received their certificate of insurance.

Roll call vote was as follows:

Ms. Gahagan—for

Mrs. Kettler--for

Miss Slemmer--for

Mr. Pirolli—for

Mr. Shellenberger--for

Mrs. Johnson--for

Mrs. Chrzanowski--for

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

Mr. Pirolli made a motion to authorize Council president to execute contract with Breakfast Burgers and More, conditioned upon receipt of their certificate of insurance. Mrs. Johnson seconded the motion.

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.

**RESOLUTION AUTHORIZING COORDINATOR TO SUBMIT APPLICATION FOR TRAFFIC SIGNAL APPROVAL TO PENNDOT**

Mr. Walsh advised that in connection with the WAWA project—they have to get Penndot's approval for traffic signal on Levittown Parkway and Kenwood Drive North. Mr. Walsh added that the municipality has to make application for the permit and this resolution will authorize the coordinator to sign the application to submit to PennDOT so they can obtain the highway occupancy permit.

Mr. Walsh advised the Borough granted approval of this project in February of 2018. He added that the applicant needs approval from many other outside agencies and in this case it is PennDOT.

Mr. Pirolli made a motion to adopt Resolution #417, 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.

Mr. Walsh advised that the signal will be installed on the property of the applicant and PennDOT requires that when signals like this go in they require the municipality own it—the applicant is going to build it and pay for it, our engineers will inspect it to make sure it works and once it is up and working, the Borough will accept it and will maintain it going forward.

Mr. Walsh advised that as part of the location of the signal and part of this permit, because of where it is going to be, there needs to be an easement in place granted by the property owner (WAWA) to the Borough for the signal to go there and for the Borough to go on the property when it needs to maintain it.

Mr. Walsh added that in connection with this, the applicant (WAWA) sent a draft easement agreement. He commented that he reviewed and does not recommend the Borough sign as he has a better form that he recommends we use.



Mr. Walsh advised that he needs to finalize the easement agreement and the Borough officials will sign it in connection with the permit application once the staff, Mr. Walsh and the engineer are satisfied with the easement.

Mr. Shellenberger made a motion to tentatively approve the easement agreement that goes in connection with the PennDOT permit once it has been approved by the staff, engineer and solicitor. Mr. Pirolli seconded the motion.

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.

## **COMMITTEE REPORTS**

No Reports

## **BOROUGH REPORTS**

### **MAYOR'S REPORT**

Mayor Cutchineal congratulated all who made the Memorial Day services a success and thanked all who participated. He added the feedback from the residents was great.

Mayor also advised that he met with Senator Santarsiero regarding using the "Library" in the Borough municipal building as a satellite office a couple days per week. Mayor added that it will be staffed by State workers on Tuesdays and Thursdays and will allow us to bring State government directly to our residents.

Mr. Pirolli made a motion to direct Andy Warren, Borough Coordinator, to meet with the Senator's staff and establish the terms necessary to bring this to fruition. Mrs. Johnson seconded the motion.

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.

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

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

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

Chief Doyle advised that August 24<sup>th</sup> will be the second annual "Camping with the Cops" if anyone is interested in pre-registering. He added there is information on their facebook page.

Chief Doyle advised that the Police Department obtained an automatic license plate reader on a grant. He added that for May of 2019, our Department was ranked #1 in the Bucks County with 121,000 license plate reads and ranked 15 in the State—it is getting used and utilized correctly.

Chief Doyle asked if Council would authorize him to execute an insurance settlement agreement regarding pending litigation.

Mr. Pirolli made a motion to authorize Chief of Police, Dan Doyle, to execute an insurance settlement agreement regarding pending litigation. Mrs. Johnson seconded the motion.

Roll call vote 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.

#### **FIRE MARSHAL'S REPORT**

Mrs. Conner advised that the Fire Marshal's report has been distributed to Council. Mr. Shellenberger commented that the Fire Marshal's report is beautiful—he did a very good job. He added that the Fire Marshal reported that on May 7<sup>th</sup> he spoke to Mr. Redel of WAWA about the storage drums and to date they have not been picked up. Mr. Shellenberger asked if we could ask the Fire Marshal to follow up on this.

#### **MISCELLANEOUS COUNCIL BUSINESS**

Mrs. Chrzanowski announced that the July Council meeting will be rescheduled to July 9th in lieu of the 4<sup>th</sup> of July Holiday.

#### **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 7:42 p.m.

Respectfully submitted,



Nancy Conner  
Borough Secretary