

TULLYTOWN BOROUGH COUNCIL MEETING

June 9, 2020

President Nina Chrzanowski called the meeting of the Tullytown Borough Council to order on Tuesday, June 9, 2020 at 7:00 p.m., in the Borough Municipal building and via telephone conference due to limited seating.

Present at the meeting:

Mayor Cutchineal

Councilman Shellenberger

Councilwoman Kettler

Councilwoman Slemmer—present via teleconference

Councilman Pirolli

Councilwoman Gahagan- present via teleconference

Councilman Servis

Councilwoman Chrzanowski

Also present:

Thomas J. Walsh III, Esquire, Borough Solicitor

Daniel Doyle, Chief of Police/Emergency Management Coordinator

Dan Pasciullo, Fire Marshal

Joe McPadden, Borough Treasurer

Nancy Conner, Borough Secretary

PUBLIC COMMENT

Rich Hart, 50 Stream Lane, Levittown, commented that he helped the fire company distributing flyers they had to the public. He commented that a councilman berated the fire company on their rebuttal.

Mr. Hart also mentioned that same day, another council woman with another councilwoman started screaming at them when they were distributing flyers.

Mr. Shellenberger thanked all the individuals that worked the polls on Election Day. He commented there were 5 individuals who had to leave early but the other 3; Mary, Frank and his son Michael worked a 16 hour day—had no training and there were brand new machines they had to learn and show and they did a wonderful job. He asked if Council could send them a letter of thanks. Mary Ann Gahagan agreed that they did a wonderful job. Mrs. Conner advised she will send letters.

COUNCIL MINUTES

May 19, 2020 Council Meeting Minutes--Approval

Mr. Pirolli made a motion to approve the minutes of the May 19, 2020 Council meeting, seconded by Mrs. Kettler.

Roll call vote was taken:

Mr. Shellenberger—for

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Ms. Gahagan—for

Mr. Servis—for

Mrs. Chrzanowski—for

The majority of Council was in favor of the motion; the motion carried.

TREASURER'S REPORT

MONTHLY BILLS

Mr. Pirolli made a motion to approve the bills in the amount of \$26,078.79, seconded by Mrs. Kettler.

Roll call vote on the motion was taken:

Mr. Shellenberger—for

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Ms. Gahagan—for

Mr. Servis—for

Mrs. Chrzanowski—for

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

OTHER EXPENSES PAID IN MAY, 2020

Mr. Pirolli made a motion to approve the other expenses for May, 2020 in the amount of \$229,368.05, seconded by Mrs. Kettler.

Roll call vote was taken:

Mr. Shellenberger—for

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Ms. Gahagan—for

Mr. Servis—for

Mrs. Chrzanowski—for

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

RECONCILIATION STATEMENT

Mr. Pirolli made a motion to approve the reconciliation statement for May, 2020, seconded by Mrs. Kettler.

Roll call vote was taken:

Mr. Shellenberger—for

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Ms. Gahagan—for

Mr. Servis—for

Mrs. Chrzanowski—for

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

COMMUNICATIONS

Mrs. Conner advised that she submitted her letter previously to Mayor and Council indicating that she would be retiring as Borough secretary, effective January 29, 2021. She also commented that there have been rumors going around that she is retiring because of a council person and she stated that is not true. She advised she is retiring for herself.

Mr. Pirolli made a motion to accept Nancy Conner's letter indicating her retirement, effective January 29, 2021, seconded by Mrs. Kettler.

Roll call vote was taken:

Mr. Shellenberger—for

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Ms. Gahagan—for
Mr. Servis—for
Mrs. Chrzanowski—for

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

Mrs. Conner also advised we received a thank you letter from Bob and Simone Trice for the property allocation gift check and indicated that she and Joe McPadden have received many thank you calls to Council.

GENERAL BUSINESS

ZONING HEARING—83 STONYBROOK DRIVE, LEVITTOWN—DISCUSSION

Mr. Walsh explained the applicants, Mr. and Mrs. Maurizi, attend the Council meeting to state what they are planning on doing and answer any questions Council may have. Mr. Walsh advised the application states that the owners plan to put in rear patio and walkway and looking for impervious surface ratio variance.

Mr. Maurizi explained they want to put a patio out back so they can enjoy dinner with the family.

Mr. Servis asked if it will protrude past his house. Mr. Maurizi advised it will not.

Mr. Shellenberger asked if the neighbors will have any problem with it. Mr. Maurizi stated no they don't.

Mr. Servis asked what the percentage was. Mr. Walsh advised they are at 39.4% presently—they want to go to 39.63% and they are already over. He added that 30% is permitted. Mr. Walsh advised that he understands they purchased the property and it was already at 39.4%. Mr. Maurizi indicated that is true---that was prior to them purchasing.

Mr. Servis asked if they are putting concrete. Mr. Maurizi advised that is correct—no pavers.

Mr. Walsh commented that the Zoning Hering Board might ask if there is additional run-off—stormwater. He added that the impervious surfaces goes hand in hand with making sure water doesn't run off and affect your neighbors adversely. Mr. Walsh suggested the Maurizi's speak with their design professional.

Mrs. Kettler asked if they currently have any water problems. Mr. Maurizi advised they do not.

Council took no position on this matter.

PUBLIC HEARING—AUXILIARY POLICE ORDINANCE

Mr. Walsh advised this ordinance which creates the auxiliary police organization which is essentially a volunteer force. He added the ordinance would authorize up to 15 people to serve in this – would be appointed by Council and activated by the Mayor and Chief during certain emergencies and would essentially be at the direction of the Chief once they are activated.

Mr. Walsh advised we have received proof of publication that notice of this hearing was published in the June 2nd edition of the Bucks County Courier Times.

The public hearing was open.

Mr. Shellenberger asked Chief Doyle what the people will be doing. Chief Doyle advised they will not be doing traffic control—we have great fire police that can handle that. He stated they will be doing IT work, administrative work—work they can do in-house to help reduce cost for officers doing this work.

Ms. Gahagan commented that the proposed ordinance states “up to 15 people”. She asked if we really need 15 people. Chief Doyle commented this is a generic ordinance that this was modeled from. Mr. Walsh advised that’s the maximum number. Ms. Gahagan advised she would like to restrict it to a smaller number. Mr. Walsh explained that is up to Council as they appoint the volunteers—the Chief recommends. If Council only wants 7, they can make that decision. Ms. Gahagan asked if we have to provide 15 uniforms. Chief Doyle advised they will be wearing golf shirts—we are not providing police uniforms. Mr. Walsh advised the ordinance states we “can” provide uniforms—Council is not obligated to.

Mr. Servis asked if these people would be doing any enforcement or only community work. Chief Doyle advised they would not be doing any enforcement. He added if the police department needs help with camping with the cops or volunteers or someone to assist with clerical duties or transport evidence up to the lab for testing they would all be certified to do that. Chief Doyle indicated they would be fully screened and trained, background checks, clearances, etc.

Mr. Servis asked if they would be Tullytown residents. Chief Doyle commented he is hoping they would be Tullytown residents.

Mrs. Chrzanowski commented that she thought she heard that Philadelphia was implementing the same thing. Chief Doyle advised he is not sure of that but he knows that Warrington has auxiliary police and works out well—Yardley Borough is in the process of enacting an ordinance and he knows of some other agencies that have had great success with this.

Mrs. Kettler commented that this is a great way to build community between the police and any town especially in light of what is happening today all over our Country and parts of the world. She added if we get 15 volunteers that would be great. She added that she has no problem with the ordinance the way it is written.

Chief Doyle commented the volunteers will also assist police with emergency management activities as well – in house as well. He added the volunteers will be wearing a golf shirt embroidered to show they are auxiliary police.

Mrs. Chrzanowski advised the volunteers have to be 18 or older. Chief Doyle advised that is correct.

Mr. Walsh advised we checked with our insurance broker to verify if they are covered under our liability policy and we were advised they automatically are covered. He added we also looked into another policy rider that would include all volunteers of the Borough.

Mrs. Conner commented that she will look into this matter a little further with our insurance broker for details.

The public hearing was closed.

A motion was made by Mr. Pirolli to adopt Ordinance #396, creating the Auxiliary Police organization, seconded by Mrs. Kettler.

Mr. Shellenberger commented he thought we were going to check into pricing of insurance. Mr. Walsh advised that is a separate issue for insurance for volunteers for other committees. He added that the auxiliary police are automatically covered under our liability for police. Mr. Walsh advised the volunteers are not considered employees so would not be covered under workers' compensation.

Roll call vote was taken:
Mr. Shellenberger—against
Mrs. Kettler—for
Miss Slemmer—for
Mr. Pirolli—for
Ms. Gahagan—against
Mr. Servis—against
Mrs. Chrzanowski—for

The majority of Council voted in favor of the motion; the motion carried.

PUBLIC HEARING—RESOLUTION ESTABLISHING UCC BOARD

Mr. Walsh advised this resolution will create a Uniform Construction Code Board of Appeals. He added the statewide building code in Pennsylvania is known as the Uniform Construction Code. He stated that Tullytown Borough since 2004 has elected to administer that code within its boundaries and as a result of that decision the Borough is required under the law to have a Board of Appeals in case anyone would like to appeal a decision of a code official. He added that Council attempted to join some regional UCC Board of Appeals but it never happened. Mr. Walsh indicated that the Board would consist of no fewer than 3 and no more than 5 members who would serve 3 year terms to be staggered initially.

Mr. Walsh advised that the proposed resolution was published in the June 2nd Bucks County Courier Times.

The public hearing was open.

Mr. Shellenberger commented that there would be a solicitor for this Board and asked if the Board would choose the solicitor or would Council? Mr. Walsh advised he will look into this matter. Mr. Shellenberger would prefer that Council choose the solicitor because he advised we have had issues in the past with Council not being able to appoint the solicitor. Mr. Walsh commented that the Zoning Hearing Board selects their solicitor as the law does not permit Council to do so—Council pays for the solicitor though.

Rich hart, 50 Stream Lane, Levittown, asked if the members of the Board have professional qualifications. Mr. Walsh advised not necessarily professional but the ordinance and state law prefers them to be versed in building code—it's not mandatory but highly suggested.

Mr. Walsh read a portion of the resolution which states “each member of the Board should be qualified by training and experience to pass on all matters pertaining to building construction. Training and experience may consist of licensure as an architect or engineer, experience in the construction industry, and training or experience as an inspector or plan reviewer.”

Mr. Shellenberger asked what their recourse be if they didn't agree. Mr. Walsh advised they would have to go to court most likely. Mr. Shellenberger commented it would be better for both sides to have this Board to keep it at a local level.

There were no further comments; the public hearing was closed.

Mr. Shellenberger made a motion to adopt Resolution #441, establishing UCC Appeals Board, seconded by Mr. Pirolli.

Roll call vote was taken:

Mr. Shellenberger—for

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Ms. Gahagan—for

Mr. Servis—for

Mrs. Chrzanowski—for

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

COMMITTEE REPORTS

There were no reports.

BOROUGH REPORTS

MAYOR'S REPORT

Mayor Cutchineal advised we are getting through the pandemic and advised that things are getting better—staying ahead of the civil unrest that we have seen on TV thanks to the intelligence of Chief Doyle. Mayor Cutchineal advised we are experiencing power outages earlier this year but we are getting through it all.

SOLICITOR'S REPORT

Mr. Walsh advised no further report this evening.

INTERIM BOROUGH COORDINATOR'S REPORT

Mr. McPadden advised no report.

CHIEF'S REPORT

Chief Doyle advised no report this evening.

FIRE MARSHAL'S REPORT

Mr. Pasciullo advised that his report was distributed to Council previously.

He discussed the fire at the Sofra Restaurant on May 27th. He commended the fire department on their quick action. He added there was a couple of trash cans on the back stairway on fire. Mr. Pasciullo stated that it was less than a 3 minute response they stopped it and prevented the fire from getting to the rest of the building.

Mr. Pasciullo advised that at the County fire marshal's meeting, they were informed that once we go "green" we can resume inspections.

Mr. Servis commented that the old Art Kraft building has about 20 to 25 people living there. Mr. Pasciullo advised they approached them on that issue when they did that inspection. Mr. Pasciullo advised that Code Enforcement officer would handle that. He said that Debra Juno has been there before on that matter.

Mr. Servis said he knows about a year or two they did something and they are renting a house on Cheston Avenue but they are still living in that building.

Mr. Pasciullo advised he will contact Deb Juno this week.

MISCELLANEOUS COUNCIL BUSINESS

Mr. Shellenberger asked if we know what is going on with the street lights. Mrs. Conner advised it is actually on hold right now—we just received an email last week.

Mr. Shellenberger commented that there are 2 light poles down in the Kenwood section. He doesn't know what Council wants to do whether we want to purchase new poles even though we will be purchasing all new poles down the road.

Mr. Servis advised it is our responsibility and mentioned that we set up repairs through Armour Electric. Mrs. Conner advised we do own the poles—we purchased from PECO back in January.

ADJOURNMENT

There being no further business, a motion was made by Mr. Pirolli to adjourn the meeting, seconded by Mr. Shellenberger. All of Council was in favor of the motion. The motion carried. The meeting was adjourned at 7:28 p.m.

Respectfully submitted,



Nancy Conner
Borough Secretary