

TULLYTOWN BOROUGH COUNCIL MEETING

February 9, 2021

President Nina Chrzanowski called the meeting of the Tullytown Borough Council to order with the Pledge of Allegiance on Tuesday, February 9, 2021 at 7:00 p.m., via remote teleconferencing.

Mayor Cutchineal asked for a moment of silence for a former Tullytown Police Officer, George Salamon, who recently passed away at the age of 65.

Present at the meeting:

Mayor Cutchineal
Councilman Shellenberger – absent due to work commitment
Councilwoman Kettler
Councilwoman Slemmer
Councilman Pirolli
Councilwoman Gahagan
Councilman Servis
Councilwoman Chrzanowski

Also present:

Thomas J. Walsh III, Esquire, Borough Solicitor
Dan Doyle, Police Chief /Emergency Management Coordinator
Dan Pasciullo, Fire Marshal/Interim Borough Coordinator
Joe McPadden, Borough Treasurer
Patricia Marks, Borough Secretary

PUBLIC COMMENT

Angela Quinn 50 Silverbirch Lane, Levittown, explained that the issue she brought to Council at the December meeting is still ongoing. The issue is that a neighbor is feeding the birds and squirrels in excessive amounts and she is getting rats in her yard because of that. She has been in contact with someone from the Bucks County Board of Health, as suggested by Council at the December meeting. Stephen Bobbs, Bucks County Department of Health came to her home and checked out the neighbor's property. The neighbors did clean up their yard prior to his arrival. He came out to speak to the neighbors but they would not answer the door so he left paperwork. Terminix has been out to her property and left traps. Her 2 year old daughter and the dog cannot play in yard.

Mr. Pasciullo has heard from the Board of Health and they advised there is something in the Tullytown Borough Code can be pursued. The Board of Health is going to get together with Deb Juno, Tullytown Borough Code Enforcement Officer. Mrs. Chrzanowski suggested that Mr. Walsh start looking into the matter. Mr. Walsh will revisit issue with Deb Juno and see what can be done. Mrs. Quinn is meeting with Mr. Bobbs from the Board of Health tomorrow, 2/10/21, at 9 am. Mr. Pasciullo will attend the meeting.

Mr. Servis suggested that Mike from Professional Pests might be able to do something in the meantime. The Borough has Professional Pests under contract and suggested sending them over to the property. Mr. Pasciullo will contact Professional Pests tomorrow and send him over to the property. Mrs. Kettler suggested talking to our State Representative to see if they can do something. She is concerned about how far this can go and feels we should bombard the offending neighbors with letters. Mrs. Chrzanowski suggested sending a registered letter.

Miss Slemmer made a motion for Mr. Walsh to investigate with Board of Health and prepare something, if necessary, seconded by Mr. Pirolli.

Roll call vote was taken:

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.

COUNCIL MINUTES

January 12, 2021 Council Meeting Minutes—Approval

Mr. Pirolli made a motion to approve the minutes of the January 12, 2021 Council meeting, seconded by Mrs. Kettler.

Roll call vote was taken:

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.

TREASURER'S REPORT

MONTHLY BILLS

Mr. Pirolli made a motion to approve the bills in the amount of \$52,648.77, seconded by Mrs. Kettler.

Roll call vote was taken:

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 January, 2021

Mr. Pirolli made a motion to approve the other expenses for January, 2021 in the amount of \$218,523.84, seconded by Mrs. Kettler.

Roll call vote was taken:

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.

RECONCILIATION STATEMENT

Mr. Pirolli made a motion to approve the reconciliation statement for January 2021, seconded by Mrs. Kettler.

Roll call vote was taken:

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.

RESOLUTION #455 — TRANSFER OF FUNDS — CONSIDERATION

Mr. Padden indicated he will need approximately \$200,000 to get through the end of the month, depending on how much tax revenue the Borough receives. He will not touch the funds if a sufficient amount of revenue is received.

A Motion was made by Mr. Pirolli to authorize the transfer of funds from investments to the general fund in the amount of \$200,000 via Resolution # 455 seconded by Mrs. Kettler.

Roll call vote was taken:

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.

COMMUNICATIONS

Mrs. Marks advised that a letter was received from Waste Management advising that they will be submitting a Plan Approval Application to the Pennsylvania Department of Environmental Protection to replace an existing Caterpillar reciprocating engine/generator at the Tullytown Resource Recovery Facility.

Mrs. Marks advised that an email was received from Erin Hengstenberger, Brown and Brown Insurance, requesting a copy of an updated Employee Handbook for the insurance renewal. She sent a copy of the Handbook they received in 2012. This Handbook was created in 2010 by Jeannie Fissinger, an attorney hired by the Borough to create the handbook. This Handbook was never formally adopted by council and we cannot locate a copy.

Mr. Walsh will review the Handbook and have staff go through it. If it is consistent with a typical employee handbook and is something that we feel is appropriate for the Borough, then we can bring it back to Council and make a final recommendation to approve the Handbook officially. Right now it is in limbo. Obviously the insurance company had it sent to them and thought it was in place and what the Borough was following, but we don't have any evidence of that. Mr. Walsh suggested that it be formalized, but first go through it to make sure it reads correctly and it is what the Borough is looking for.

GENERAL BUSINESS

ZONING HEARING BOARD SOLICITOR, ALAN TOADVINE, REQUEST FOR INCREASE IN RATE— CONSIDERATION

Mrs. Marks advised that Alan Toadvine, the Zoning Hearing Board Solicitor for the past 20 years, has requested an increase in his rate. For the past 20 years, his rate has been \$115/hour. Mrs. Chrzanowski advised that the total amount paid to Mr. Toadvine in 2020 was less than \$800.

Mrs. Kettler made a motion to increase Mr. Toadvine's rate for our Zoning Hearing Board Solicitor to \$130/hour, Mr. Pirolli seconded the motion.

Roll call vote was taken:

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.

APPOINTMENT TO ENVIRONMENTAL ADVISORY COMMISSION— CONSIDERATION

Mrs. Marks advised that Nicole McHugh is interested in being appointed to the Environmental Advisory Commission. She was a member years ago and moved out of the borough. She has moved back to the borough and would like to be appointed.

Ms. Gahagan made a motion to approve the appointment of Nicole McHugh to the Environment Advisory Commission, seconded by Mr. Pirolli.

Roll call vote was taken:

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.

LOAN AMORTIZATION AND BOND COUNSEL FOR PENSION LOAN FUNDING— CONSIDERATION

Mr. Walsh advised that at the last meeting, Council directed us to reengage with our advisor, PFM, and talk about the options for financing before we direct them to go out to the bond market. We had a meeting with PFM and they came back with 2 recommendations and several options for bond counsel. The loan would be roughly around \$3.2 million. If the loan is paid off over 3 years, the borough will pay approximately \$246,000 total in interest. The other option was a 7 year loan and the total interest would be approximately \$555,000. In the 3 year amortization, the annual payments are much higher, about \$1.1 to \$1.2 million per year - 3 payments at that amount. For the 7 year loan, the payments are lower — 7 years at about \$550,000 per year. If cash flow was important to the Borough, you would go with the 7 year option. The sacrifice would be that you pay about \$330,000 more in interest.

The Finance Committee has reviewed the options and are recommending the Borough proceed with the 3 year loan and take that out to the bond market and also to accept the recommendation of King Spry as Bond Counsel. According to PFM, King Spry is the most experienced bond counsel and the most cost efficient.

Miss Slemmer made a motion to authorize PFM to go out to market for financing on a 3 year bond note and authorize the hiring of King Spry as Bond Counsel, seconded by Mrs. Kettler.

Mr. Servis asked about the interest rate and Mr. Walsh said there was no material difference between the rate for the 3 year loan and the 7 year loan but he was not sure of the exact rate. Mr. McPadden said that it should be less than 1 percent.

Roll call vote was taken:

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.

BOROUGH INSURANCE RENEWALS- CONSIDERATION

Mr. Pasciullo advised that Brown and Brown, the insurance brokers, provided 2 quotes for the business insurance. The rate from Selective was \$220,509 and the other quote was from EMC at \$233,032. Mr. Pasciullo recommended that Selective

be the option Council selects for \$220,509 which is a yearly savings of \$25,175.

Mrs. Kettler made a motion to approve the renewal of the insurance with Selective, seconded by Mr. Pirolli. .

Roll call vote was taken:

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.

HEART & LUNG INSURANCE RENEWAL—CONSIDERATION

Mr. Pasciullo advised that the renewal for the Heart and Lung insurance with Chubb is the same as last year and is \$2,000.

Mr. Pirolli made a motion to approve the renewal of the Heart and Lung insurance, seconded by Mrs. Kettler. .

Roll call vote was taken:

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

COMMITTEE REPORTS

There were no committee reports

BOROUGH REPORTS

MAYOR'S REPORT

Mayor Cutchineal recently met with representatives from Hometown Express to gather information on a publication he talked about last month. It was last printed in 2008. It is a beautiful glossy folder that contains phone numbers and serves as a guide on what you can do and what you can't do and where you can go. It would be a great resource especially for new residents and no cost to the community. The brochures could be mailed to all residents or public works could deliver door to door. Most of the communities in Bucks County have these brochures but you would never know it. The Mayor thinks it would be a good thing to move forward with.

Mr. Pirolli made a motion to pursue the creation of the updated brochure, seconded by Mrs. Kettler.

Roll call vote was taken:

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

SOLICITOR'S REPORT

Mr. Walsh advised that the WAWA plans have been recorded. Also, he may not be available for the March 9th meeting. The meeting could be moved to March 16, 2021. He should know within the next week and Mrs. Chrzanowski will let Council know.

INTERIM BOROUGH COORDINATOR'S REPORT

PECO Street Light Buyback progress report – Advised on February 2nd by Elizabeth Compitello of the Delaware Valley Regional Planning Commission that a check for the street lights was sent out to Borough by Angela Fareri at PECO along with a new buy out package. It has not yet been received. The check is in the amount of \$47,150.

Mark Snyder's report – Prior to the snowstorms, we were advised about a sinkhole at Low Lane and Lakeside Drive and it has some water infiltration. Gilmore came out with a camera and took a look at the damage. The plan is once the snow clears, do

some exploratory excavating to see if damage can be repaired by a contractor or public works.

On January 1 advised by PA State Association of Boroughs that purchases between \$11,500 and \$21,300 will require 3 quotations. Any contract or purchase over that amount will require a formal bid process. Mr. Walsh indicated that these guidelines have been in place for several years.

Mr. Pasciullo advised that Sally Bellaspica, Zoning Officer, has received an inquiry concerning whether Tullytown Borough has anything in place for a medical Marijuana dispensary. Mr. Pasciullo and Ms. Bellaspica spoke with Mr. Walsh and Ms. Bellaspica suggested the Council may want to look into adopting an Ordinance for medical Marijuana dispensaries.

Mr. Walsh advised that several years ago, the State passed a law that medical Marijuana was approved for sale in Pennsylvania. The Borough is permitted to regulate as a retail use where these dispensaries are allowed to go. Many municipalities have adopted amendments to their zoning ordinances to channel where a medical Marijuana dispensary can be conducted and he has model Ordinances that he can work from and bring back to Council for review. Mr. Walsh would need a motion to be authorized to do the review.

Mr. Pirolli made a motion for Mr. Walsh to research information for an ordinance, Mrs. Kettler seconded the motion.

Roll call vote was taken:

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.

Patricia Marks completed the online course through PSAB for Grant Writing. The street department did a great job with snow removal.

CHIEF'S REPORT

Council has received his monthly report.

Chief Doyle advised that Council has been given new hotspots and he will be cancelling Verizon hotspots this week. Send Chief Doyle an email if you have any problems with the new T-Mobile Hotspots.

The Mayor has sworn in William Nean as Civil Service Commission alternate. The snow and ice emergency for the January 31st storm, the Chief congratulated and thanked the residents for a fantastic job of removing their vehicles from the streets and the residents who cleared snow around the fire hydrants. A tentative date for Camping with the Cops community event has been scheduled for October 9, 2021, based on whether gatherings can be held and where things stand with the Pandemic.

Council authorized use of Municibid, an online government auction, for the sale of vehicles. The Ford Expedition was bid out. The winning bid was \$4300 from Jonathan Beret of Philadelphia.

Mr. Pirolli made a motion to sell the Ford Explorer, seconded Mrs. Kettler.

Roll call vote was taken:

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.

The second vehicle put out for bid was the Chevy Impala, a former police vehicle. The highest bid was \$1400 by Warren Whitecraft in Levittown.

Mr. Pirolli made a motion to sell the Chevy Impala, seconded by Mrs. Kettler.

Roll call vote was taken:

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.

Chief Doyle advised that he needs to revise the Use of Force policy. He was on the committee for the Police Chiefs Association. All thirty-nine Police Chiefs agreed to operate on the same Use of Force Policy language. He had to include a section on Duty to Intervene in the Use of Force Policy to make it consistent with the other thirty-nine Police Chiefs. Chief Doyle is asking Council to approve the revision of the policy.

Mr. Pirolli made a motion to permit the revision to the Use of Force Policy, seconded by Miss Slemmer.

Ms. Gahagan asked Chief Doyle to explain the change or the addition. Chief Doyle explained that the change is what is called a Duty to Intervene. It states that any officer who sees a wrong doing has a duty to intervene and stop an illegal force or action from occurring. This was the only thing our policy did not have in it. To match the other thirty-nine departments, he made the change. The language is exactly like the other departments and is consistent with the recommendations.

Roll call vote was taken:

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.

FIRE MARSHAL'S REPORT

On January 8, 2021, Mr. Pasciullo received a new radio provided by Bucks County 911. On January 14, 2021 the county went to encryption. On January 23, 2021 he assisted the Bristol Fire Marshall with a fire on Beaver Dam Road with 2 fatalities. The fire marshals try hard to get smoke detectors out to all the residences. There were no smoke detectors in the home. Mr. Pasciullo has free smoke detectors for any resident in Tullytown Borough who needs one. He attended the County meeting and there were 8 fatalities in Bucks County last year due to fire, which is the highest year ever.

MISCELLANEOUS COUNCIL BUSINESS

There was no miscellaneous council business.

ADJOURNMENT

There being no further business, a motion was made by Mr. Pirollo to adjourn the meeting, seconded by Ms. Gahagan.

The meeting was adjourned at 7:59 p.m.

Respectfully submitted,


Patricia Marks
Borough Secretary