

TULLYTOWN BOROUGH COUNCIL MEETING

June 8, 2021

President Nina Chrzanowski called the meeting of the Tullytown Borough Council to order with the Pledge of Allegiance on Tuesday, June 8, 2021 at 7:00 P.M.

Present at the meeting:

Mayor Cutchineal
Councilman Shellenberger
Councilwoman Kettler
Councilwoman Slemmer
Councilman Pirolli
Councilwoman Gahagan
Councilman Servis
Councilwoman Chrzanowski

Also present:

Thomas J. Walsh III, Esquire, Borough Solicitor
Kurt Schroeder, VP, Gilmore & Associates, Borough Engineer
Dan Pasciullo, Fire Marshal/Interim Borough Coordinator
Joe McPadden, Borough Treasurer
Patricia Marks, Borough Secretary

PUBLIC COMMENT

Bruce Goulet, 1 Mill Lane, Levittown. Mr. Goulet commented that he has concerns about the new lines and signs placed at Route 13 and Levittown Parkway by PennDOT that prohibits right hand turns from the shoulder. He believes this has the possibility of causing serious accidents. He indicated that he spoke with the Borough Coordinator and Representative Tina Davis in an attempt to have the lines and signs removed. Mr. Pasciullo advised that Tullytown Borough has no jurisdiction since it is a PennDOT highway. Mr. Pasciullo contacted Senator Santasiero's office concerning this issue and forwarded the response to Mr. Goulet. The Senator's office stated that as a safety measure, the department striped the shoulder and signed it with "Keep Off Shoulder" signs. PennDOT has no future plans for removing the lines. Mr. Pasciullo and Council suggested Mr. Goulet contact the Senator and Chief Doyle directly.

Mr. Goulet has an additional issue. He lives next to the marina and they have a fence next to his yard. It is overgrown and they throw braches in his driveway. The owner of the marina filled in the drainage without the required permits and the Borough should look into that. Mr. Goulet discussed it with the coordinator. Mr. Servis advised

that the owner keeps bringing truckloads of stuff into the marina to fill the drain. He also dug up his front sidewalk a couple of years ago because he did not want to fix it. He just piled it up on his property. Mr. Servis advised that the Borough should have someone check it out as soon as possible. Mr. Goulet also advised that the marina has lights pointing at his house. Mr. Pasciullo will have the Building Inspector and the Code Enforcement Officer check it out.

Alan Madeley, 11 Lavender Lane. Mr. Madeley stated that he and his wife have been residents for 43 years and enjoy living in Tullytown Borough. He is concerned that the Borough has allowed a business to be established in a residential area on Lavender Lane. The business is a recovery/sober house. They saw 15 mattresses come into the house and there has been additional traffic created on the street by having this specific business there. The neighbors feel uncomfortable and unsafe. There have been cars with license plates from New York and Colorado and the Tullytown police had to come out and remove one of the people from the house. He asked the Solicitor to investigate what controls or requirements specifically for this type of business in a residential area can be put in place so the neighbors feel safer.

COUNCIL MINUTES

May 11, 2021 Council Meeting Minutes—Approval

Mr. Pirolli made a motion to approve the minutes of the May 11, 2021 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

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 \$37,400.43, 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.

OTHER EXPENSES PAID IN MAY, 2021

Mr. Pirolli made a motion to approve the other expenses for May, 2021 in the amount of \$180,505.52, 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.

RECONCILIATION STATEMENT

Mr. Pirolli made a motion to approve the reconciliation statement for May, 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.

COMMUNICATIONS

There were no Communications.

9. GENERAL BUSINESS

a) **Zoning Hearing Discussion—701 William Leigh Road**

Anthony Incollingo of Speed Pursuit (applicant) attended the meeting. Mr. Walsh stated that the request is to continue a variance Mr. Incollingo received previously for a public indoor recreational use. Mr. Incollingo stated that he is currently in Building 1606 trying to expand our operations to 701, which is about 10,000 square feet. He does strength and conditioning for athletes. He is trying to focus a little more on soccer and baseball/softball. He is looking to use the space for batting and indoor soccer training. Mr. Walsh explained that the reason the applicant is requesting a variance is because that specific usage is not permitted in LI districts in the space he wants to move to. It is allowed by variance in the space he is currently using. Mr. Incollingo explained that they are keeping the current space and looking to add the additional space. The company trains 9 to 11 year olds in speed and agility and trains athletes from 12 years old all the way through college and the professional ranks. He teaches at Pennsbury and trains the girls' lacrosse team, the Pennsbury softball team, the girls' and boys' basketball teams. There are no overnight stays at the facility. Current hours are 4 to 9 P.M. Mrs. Chrzanowski commented that she has heard only good things about his company.

b) **412 Main Street, Sketch Plan Review**

Mrs. Kettler recused herself prior to the discussion. Zachary Sivertsen, Esquire, attended the meeting as attorney for the applicants. Mr. Sivertsen explained they are currently in an exploratory period of land development and this is a sketch plan review process. They are not asking council to approve anything or take action at this point. They are information gathering. The proposal is a minor subdivision. There is an existing residential lot about 20,000 square feet. They are proposing to cut the lot in half and construct a second residential dwelling in the rear portion of the property. The proposal has been presented to the borough engineer and Bucks County Planning Commission. Both have issued a review letter and there are some variances they may need to get. Mr. Sivertsen's opinion is that these are existing conditions that do not require variances. There are also some issues in the Engineer's letter related to the intersection of the driveway and the street intersection. He is currently reviewing the Ordinances and he does not believe that the corner of one road constitutes an intersection. This is something they would work out with the Borough Engineer if and when they submit a preliminary plan for formal review. In answer to Mr. Shellenberger's question, Mr. Sivertsen confirmed that they are looking to building a second residential building on the lot on the rear portion of the property. It will be a residential building with a use that is permitted by Borough Ordinances. This is not a

preliminary plan. There is no timeline and they are not looking for preliminary approval. Mr. Walsh questioned whether Wood Street was a Borough Road and Mr. Snyder, Tullytown Borough Public Works Foreman, confirmed that it was a Borough Road. Mr. Walsh asked about the design at the end of Wood Street where the property ends, the street footage. He inquired as to why the front building set back line does not follow the bend in the road. He believes the front set backline is not where he has it measured on the plan and believes it goes around bend to flagpole. At that point, you do not have the lot width down there. Mr. Sivertsen advised that he had discussed this issue with Mr. Schroeder. The sketch plan was done using an aerial survey and there was not a formal survey of the property done. If they decide to move forward with preliminary plan approval, a survey will be included. The lot width is measured from the building set back line. Mr. Schroeder advised that the sketch plan indicates basically what is being proposed. Tonight Council is being asked whether or not they see this as a viable opportunity without the information from an actual survey. He cannot determine at this point if this plan will need zoning variances or will not need zoning variances. Until we get the additional information, none of us can tell you exactly what this project would need. The process is that they would create a plan with the actual survey and deeds of record. They would drill down as to whether or not it meets zoning requirements or whether certain variances would be required. Right now there is a list of variances required and once the plan gets massaged, there is a chance that variances would be required. Borough Council would define exactly what those variances would be and then it would be up to the applicants to appeal to the Zoning Hearing Board. Mr. Walsh explained that once the applicants filed preliminary plans, along with filing a Zoning Hearing Board application, they would come to Council first and Council would have the opportunity to take a position on the application. The Zoning Hearing Board would then hear the application. At this point, the use is compliant and the only dimensional issue raised by Mr. Walsh is the oddity of the corner where it approaches Wood Street. Mr. Sivertsen explained that the purpose of the sketch plan is to come in for feedback but it is not necessarily the final plan. His next step will be to meet with the applicants and see if they want to proceed with preparing a formalized plan that meets all of the specific requirements.

Rich Hart, Stream Lane. He commented that there may be an issue for the trash trucks and rescue vehicles. He wants to remind Council that we had a problem on Spencer Drive a few years ago. All permits were granted but we wound up paying the contractor a penalty because it was not allowed. There were some problems that were overlooked by the Borough and he sees a very similar situation here.

c) One Appointment to the Cable Advisory Committee—Consideration

Mrs. Marks advised that Harry Wirebach's term on the Cable Advisory Committee expired on May, 2021 and he is interested in being re-appointed.

Mr. Shellenberger made a motion to approve the re-appointment of Harry Wirebach to the Cable Advisory Committee, 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

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

d) Request for Escrow Release #1 and Escrow Release #2 - WAWA—Consideration

Mr. Walsh advised that Provco, the land developer for the Wawa project, has submitted two requests for escrow releases. The engineers have reviewed and approved both of them.

Mr. Pirolli made a motion to approve Escrow Release #1 in the amount of \$91,113.97, 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.

Mr. Pirolli made a motion to approve the Escrow Release #2 in the amount of \$57,677.71 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.

Mr. Shellenberger asked Mr. Schroeder about an agreement to have Wawa pave Kenwood Drive North. He was told that we did not have a cooperation agreement with them. Mr. Shellenberger said that Wawa agreed to pave the road at the same time they paved the portion related to the project. We would pay our portion and they would pay their portion. This meeting occurred when Wawa first came to the Borough to ask permission to purchase the Heiski property. Mr. Schroeder advised that what is listed in their requirements for the permits is that Wawa will pave from the Parkway to the end of the property. It was suggested that we propose to the developer that we split the cost of paving the entire road. Mr. Schroeder said the developers have no obligation to pave the full length. Mr. Snyder said it would make sense to pave the entire road and put the cost in the upcoming budget.

Wawa corporate is now ready to move forward with their part, per Mr. Walsh.

e) Nominations for Vice President

Mrs. Kettler made a motion to nominate the appointment of Mr. Pirolli as Vice President, seconded by Miss Slemmer.

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.

f) RFP for Labor Attorney—Consideration

Mr. Pasciullo advised that under the DCED study there was a recommendation to hire a labor attorney for the upcoming union contract negotiations. The RFP is a request for a proposal, including fees for those services.

Mrs. Kettler made a motion to put out an RFP for a Labor Attorney for the Borough contract negotiations, seconded by Ms. Gahagan.

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.

COMMITTEE REPORTS

There were no committee reports

BOROUGH REPORTS

MAYOR'S REPORT

Thanks to all who participated in our annual Memorial Services last weekend. We will now begin planning for Patriot's Day on Saturday, September 11, 2021 which will be held in the park. Chief Doyle asked that he announce that the Police Department will once again be sponsoring movies in park. The first one will be held on July 25th and begin at dusk. The Chief also asked that he encourage residents to sign up for Savvy Citizen. You may have seen some of the signs around. It provides another notification tool for communication between the police department and the residents. Thank you to Yardley Mayor, Chris Harding, for today hosting our annual Mayor's meeting. We talked about many issues and it appears we may be the first of the Lower Bucks municipalities to go back to live meetings.

SOLICITOR'S REPORT

The Pension Funding Loan closing was held virtually on May 26th for both pensions. The first payment is due in December 2021.

INTERIM BOROUGH COORDINATOR'S REPORT

Emergency Sinkhole Repair

Mr. Pasciullo reported that there is a sinkhole at the intersection of Low Lane and Lakeside drive. Over the winter, Mr. Snyder noticed a sinkhole around the original storm drain in front of the Center for Student Learning and has now extended into the parking lot of the school. It is a 2 foot by 2 foot sinkhole. The Engineer examined the

sinkhole with a camera and it appears to be some type of failure to the pipe. Mr. Snyder obtained a proposal from Macintyre Plumbing to excavate it, seal the outside of the box, replace piping and prevent further damage. They will also repair the blacktop. The proposal was for \$3,500. Mr. Snyder advised until they excavate, they will not know if there is additional damage.

Mr. Pirolli made a motion to approve the excavation and repair of the drain for \$3,500, and report back, 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.

Mr. Pasciullo advised that the vehicle lift in bay 1 is obsolete and the new police vehicles and the fire marshal vehicle will not fit on the lift. The lift is old and has become a safety issue. Mr. Snyder got 3 bids and the lowest bid is from Bay Garage Equipment in Reading for \$13,280, comes with 25 years on parts and is made in the USA.

Mrs. Kettler made a motion to approve the replacement of the automotive lift in the amount of \$13,280, seconded by Ms. Gahagan.

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.

CHIEF'S REPORT

There was no Chief's report.

FIRE MARSHAL'S REPORT

Council received Mr. Pasciullo's monthly report. Mr. Pasciullo wanted to mention that in the month of May there were 2 burn victims. A young man was burned when he dropped a battery for a vape into his pocket with change and it exploded. He is in the burn center at Jefferson Hospital. The batteries come with warnings not to store batteries without covering. This is the 4th burn victim in Tullytown Borough this year.

MISCELLANEOUS COUNCIL BUSINESS

There was no miscellaneous council business.

ADJOURNMENT

There being no further business, a motion was made by Mr. Pirolli to adjourn the meeting, seconded by Mrs. Kettler. All of Council was in favor of the motion and the motion carried. The meeting was adjourned at 8:04 P.M.

Respectfully submitted,

Patricia Marks
Borough Secretary