

TULLYTOWN BOROUGH COUNCIL MEETING

March 1, 2023

President Mary Ann Gahagan called the meeting of the Tullytown Borough Council to order on Wednesday, March 1, 2023, at 7:00 p.m. followed by the Pledge of Allegiance.

Present at the meeting
Mayor Cutchineal
Councilman Pirolli
Councilwoman Chrzanowski
Councilman Shellenberger
Councilman Czyzyk
Councilman Saunders
Councilman Servis
Councilwoman Gahagan

Also present:
Russ Sacco, Solicitor
Sergeant Andrew Bunda
David Pearl, Fire Marshal
Sean R. Torpey, Pennoni, Borough Engineer
Joseph McPadden, Borough Treasurer
Patricia Marks, Borough Secretary

MOMENT OF SILENCE

Mayor Cutchineal asked for a Moment of Silence for legendary coach and teacher from Pennsbury, Chuck Kane.

PUBLIC COMMENT

Kelli Donlen, 10 Lakeside Drive, congratulated Sgt. Bunda and the police officers for the Coloring with Cops event. It was an amazing event. She also asked where the Borough was in the process of hiring a police chief. Mr. Servis advised that they are trying to work out contract issues. A contract request was sent to the Borough, and we sent something back.

Dave Moyer, 580 Main Street, has a letter from the district attorney about the Fire Marshal entering his property. He wants to know if the Fire Marshal was on company time at that point and if he is allowed to do searches on any house he wants. Mr. Sacco advised that the Fire Marshal has responsibility for fire related inspections and has permission to enter properties for fire inspection. Mr. Sacco advised that it was reviewed at the Tullytown Administrative level, the Tullytown Police and the District Attorney's Office. All 3 agencies have come back and said

there was not much of an issue. Mr. Moyer asked what the inspection was for because he has no report. Mr. Sacco confirmed that no report was generated, and no inspection was done per the Fire Marshal. The Fire Marshal said there was no report because there was no inspection. The Fire Marshal said he was talking to the contractor and looking at the work that was being done. Mr. Moyer stated that the Fire Marshal refused to answer any questions that were asked by the District Attorney's Office. Mr. Moyer stated that he just wants to know why the Fire Marshal came into his house. The Fire Marshal stated that he was invited into the home which Mr. Moyer denied. Mr. Moyer asked Council how many other single-family homes the Fire Marshal has been in. Mr. Sacco explained to Mr. Moyer that public comment is his time to address council, not to interrogate employees. Ms. Gahagan advised that since Mr. Moyer applied for a land development permit, Mr. Pearl would be there to check it out. Mr. Servis said he talked to Mr. Pearl who advised him that Mr. Moyer applied for a building permit and that is why he was at the property. Mr. Moyer advised that an inspection had already been scheduled. In response to a question from Mrs. Chrzanowski, Mr. Sacco advised that he spoke to the Fire Marshal at the time of the inspection and advised him that his job was fire inspections or safety related inspections.

Mr. Moyer also wants a meeting of the planning commission scheduled so he can amend the minutes from the previous meeting. He feels information was not included in the minutes from the last meeting. The Planning Commission meets on an as needed basis. Mr. Sacco advised that the Planning Commission chair determines if a special meeting of the Planning Commission will be scheduled. Mrs. Marks will get in touch with the planning commission chair to see if the planning commission wants to have a special meeting. Mr. Moyer also asked if convicted felons on Council can vote on land development issues. Mr. Sacco explained that there are certain regulations regarding Borough Council and if they are elected, they are permitted to vote on land development issues.

Jesse Walters, 188 Kenwood Drive South, reiterated what Kelli Donlen said about the Coloring with the Cops event. It was a well put together event. He brought his daughter, and they look forward to future events. He also appreciates the police department doing nightly rounds at Canal Park. He also mentioned that the Home Depot parking lot and grassy areas are littered with trash. Mr. Walters will meet with Mrs. Marks to show her the pictures he took. She is working with the owner to get the trash cleaned up.

COUNCIL MINUTES

February 1, 2023 Council Meeting

Mr. Servis made a motion to approve the minutes of the February 1, 2023 Council Meeting, seconded by Mr. Saunders.

Roll call vote was taken:

Mr. Pirolli—for

Mrs. Chrzanowski—for

Mr. Shellenberger—for

Mr. Czyzyk—for

Mr. Saunders—for

Mr. Servis—for

Ms. Gahagan—for

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

TREASURER'S REPORT

MONTHLY BILLS

Mr. Servis made a motion to approve the monthly bills in the amount of \$25,630.98, excluding the invoice from Offit Kurman, seconded by Mr. Czyzyk.

Roll call vote was taken:

Mr. Pirolli—for

Mrs. Chrzanowski—for

Mr. Shellenberger—for

Mr. Czyzyk—for

Mr. Saunders—for

Mr. Servis—for

Ms. Gahagan—for

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

Mr. Servis made a motion to no longer retain the services of Offit Kurman, second by Mr. Saunders.

Roll call vote was taken:

Mr. Pirolli—for

Mrs. Chrzanowski—for

Mr. Shellenberger—for

Mr. Czyzyk—for

Mr. Saunders—for

Mr. Servis—for

Ms. Gahagan—for

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

OTHER EXPENSES PAID IN February

Mr. Shellenberger made a motion to approve the other expenses paid in February 2023, in the amount of \$245,067.34, seconded by Mr. Czyzyk.

Roll call vote was taken:

Mr. Pirolli—for

Mrs. Chrzanowski—for

Mr. Shellenberger—for

Mr. Czyzyk—for

Mr. Saunders—for

Mr. Servis—for

Ms. Gahagan—for

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

RECONCILIATION STATEMENT

Mr. Servis made a motion to approve the Reconciliation Statement for February, 2023, seconded by Mr. Shellenberger.

Roll call vote was taken:

Mr. Pirolli—for

Mrs. Chrzanowski—for

Mr. Shellenberger—for

Mr. Czyzyk—for

Mr. Saunders—for

Mr. Servis—for

Ms. Gahagan—for

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

COMMUNICATIONS

There were no communications for the month.

GENERAL BUSINESS

Approval of 412 Main Street Preliminary/Final Development and Resolution # — Consideration

Mr. Sacco explained that the first item on the agenda is the subdivision for 412 Main Street. The Applicant is represented by Zach Sivertsen, Esquire and James Oakes, Tri-State Engineers. They are proposing to subdivide an existing parcel into 2 lots. An existing dwelling will remain on Parcel A, while an additional single-family home is proposed to be constructed on Parcel B. There is also a memo from the Tullytown Borough Planning Commission and a letter from the Bucks County Planning Commission in your packet. Mr. Sivertsen stated that this is a minor subdivision. The engineer will walk through waivers that they are requesting. The waivers are the same for 444 Main Street.

The waivers requested are as follows:

1. Providing sidewalk along all abutting streets.
There are currently no sidewalks in the immediate vicinity of the proposed rear lot.
2. Minimum of \$1,500 square feet of suitable recreation land per dwelling unit.

The two parcels being created are relatively small and the required 1,500 sq. ft. of recreation land would occupy 19.7% and 13.8% of the lots.

3. Permit grading within 5 feet of property line.
The grading will not encroach on abutting properties.
4. Plan scale other than 1"-50' or 1"-100'.
Using the required scale would result in the plans being unreadable.
5. Showing various utilities and significant man-made features on or within 400 feet of any part of the tract.
There are no proposed off-site utility extensions and there is no off-site construction being proposed.
6. Permit Parcel B from meeting the required 40 feet distance from the nearest tangent point of the curb radius of the intersection to the driveway.
The proposed lot access is located on the existing radius of the roadway and there is no other possible location for the driveway that would comply with this requirement.
7. Planting street trees at maximum intervals.
Existing utilities located along the frontage of Lot 1 create conflict which does not allow tree plantings.

Mr. Sacco asked about sidewalks on Wood Street. Mr. Torpey responded that he has not been able to see how people are walking down Wood Street. There is a path that has been worn along the street. The waiver for the 40-foot distance for the driveway is a safety concern. The existing condition has a garage located in that area. There is minimal access to walk up the street to Main Street.

The Fire Marshal addressed the issues he raised for 412 Main Street. Mr. Siversten said a fire hydrant will be installed to help emergency situations. The Fire Marshal's concern is about accessibility for fire truck access from Wood Street. It is still quite a distance to the actual structure. Mr. Oakes advised that there is a building on the property that will be removed. There is another garage on a different property. The condition on Wood Street is existing and not being created by this development. Mr. Siversten said they would add a sprinkler system to the house to help with safety concerns. Council could make it a condition of approval. The Fire Marshal stated that there are still accessibility issues.

Wilhelmina Conca, 413 Main St, asked if the neighbors within 200 feet of the proposed subdivision were informed. Mr. Sacco advised that this is only required for a Zoning Hearing Board. She also had a question about how the equipment is getting into the area. She has a concern about the equipment coming in and traffic will back up on the street. She feels there should be a public forum so people can have input.

Tom Dobson, 664 Spencer Drive, advised that the turn is tough and trash trucks cannot get around that turn. This will only make it tougher. This property is right

next to his. He stated that the house has 15 residents. If you are going to add another house, more water will be run off. In a single-family home, everyone should be related.

Jesse Walters, 188 Kenwood Drive South, expressed that he felt there will be lawsuits if people cannot obtain emergency relief. Regarding the waiver for sidewalks - if you start waiving stuff you are starting a trend and we do not want to start a trend.

Wilhelmina Conca, 413 Main Street, thinks we should put a limit on recovery homes in Tullytown.

Sue Johnson, 449 Lovett Drive. She agrees with the Fire Marshal that there is no way to get fire trucks back there. It is tough to get around.

Mr. Siversten stated that nothing has been presented that it is contrary to any ordinance. He feels the waivers are routine in nature. Ms. Gahagan stated that if it is a single-family home, all residents should be related. Mr. Sacco explained that Council is voting on the subdivision and land development only.

Mr. Servis made a motion to deny the requested waivers and the proposed land development and subdivision plan and follow the recommendation of the Tullytown Borough Planning Commission, seconded by Mr. Saunders.

Roll call vote was taken:

Mr. Pirolli—abstain

Mrs. Chrzanowski—abstain

Mr. Shellenberger—for

Mr. Czyzyk—for

Mr. Saunders—for

Mr. Servis—for

Ms. Gahagan—for

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

Approval of 444 Main Street Preliminary/Final Land Development and Resolution #

Mr. Sacco explained the property is located on Main Street. The applicant is proposing to relocate the existing lot line between the properties. The existing dwelling is to remain on the existing parcel. The lot line change is proposed to accommodate a proposed dwelling on Lot 2. They are seeking most of the same waivers for 444 Main Street as they are with the 412 Main Street property.

The waivers requested are as follows:

1. Minimum of \$1,500 square feet of suitable recreation land per dwelling unit.
The two parcels being created are relatively small and the required 1,500 sq. ft. of recreation land would occupy 16.5% and 28.8% of the lots.
2. Permit grading within 5 feet of property line.
The grading will not encroach on abutting properties. No grading is proposed within 5 ft. of the shared property line.
3. Plan scale other than 1"-50' or 1"-100'.
Using the required scale would result in the plans being unreadable.
4. Showing various utilities and significant man-made features on or within 400 feet of any part of the tract.
There are no proposed off-site utility extensions and there is no off-site construction being proposed.
5. Permit the driveway on lot 2 from meeting the required 40 feet distance from the nearest tangent point of the curb radius of the intersection to the driveway.
There is no way to provide the required 40 ft. separation for the driveway on lot 2 due to the width of the property and the location of the existing curb radius.
6. Planting street trees at maximum intervals.
Existing utilities are in areas where street trees would be required.

Mr. Saunders asked if we are opening ourselves up to granting waivers for other residents that want waivers. Mr. Torpey advised that his research shows it is a private road alongside the property that leads to the industrial park behind the property. Mr. Servis asked about the road accessing the industrial park and whether they will they put curbs in. The engineer advised that the plan does not include curbs and sidewalks.

Wilhelmina Conca, 413 Main Street, advised that there were 3 different properties in the Borough, and they were not permitted to do the land development and the Borough is setting itself up for lawsuits.

Mr. Saunders made a motion to deny the requested waivers and the proposed Preliminary and Final Subdivision plan and follow the recommendation of the Tullytown Borough Planning Commission, seconded by Mr. Czyzyk.

Roll call vote was taken:

Mr. Pirolli—abstain

Mrs. Chrzanowski—abstain

Mr. Shellenberger—for

Mr. Czyzyk—for

Mr. Saunders—for

Mr. Servis—for

Ms. Gahagan—for

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

Authorize Amendment to Section 8(b) of the Tullytown Civil Service Regulations and Resolution #494 — Consideration

Mr. Sacco advised that the Civil Service Commission did meet last week to go over a couple of items. One is that they appointed the Bucks County Consortium as the written test administrator and the physical agility administrator for the upcoming test on March 18, 2023. They also passed a resolution to amend their civil service rules to revise the physical agility standards. At last month's meeting, it was discussed that the current physical agility requirements are outdated. The standards that are in effect in the Commonwealth of Pennsylvania are the Mopec standards. He and the Civil Service Solicitor felt the best approach was to revise the rules that the physical agility requirements will meet or be consistent with the Mopec standards. When the Mopec requirements change, it will not require Tullytown to change their requirements.

Mr. Servis made a motion to amend Section 8(b) of the Tullytown Civil Service Rules and Regulations to revise the physical agility standards, seconded by Mrs. Chrzanowski.

Roll call vote was taken:

Mr. Pirolli—for

Mrs. Chrzanowski—for

Mr. Shellenberger—for

Mr. Czyzyk—for

Mr. Saunders—for

Mr. Servis—for

Ms. Gahagan—for

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

Authorize Pat Marks to execute all claim and distribution documents required by Everlake Life Insurance Company via Resolution #495—Consideration

Mr. Sacco explained that to distribute funds from the life insurance policies, Everlake Life Insurance Company requires a Resolution authorizing Pat Marks to execute the documents on behalf of the Borough.

Mr. Servis made a motion to authorize Pat Marks to execute all claim and distribution documents required by Everlake Life Insurance Company via Resolution #495, seconded by Mr. Saunders.

Roll call vote was taken:

Mr. Pirolli—for

Mrs. Chrzanowski—for

Mr. Shellenberger—for

Mr. Czyzyk—for

Mr. Saunders—for

Mr. Servis—for

Ms. Gahagan—for

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

Award Sanitation Collection Bid—Consideration

Mr. Torpey explained that the Sanitation Collection went to bid. We received 3 bids, but Whitetail withdrew their bid due to a clerical error. Waste Management and Mascaro submitted bids. Waste Management submitted the lowest bid for the time period from April 1, 2023 to December 31, 2026. This is the base bid, and the lowest bid was \$862,728.59. We asked that they provide an option to provide 2 additional years as alternate options – 2027 and 2028. The contract will be written so that we can extend for the additional 2 years.

Jesse Walters, 180 Kenwood Dr. asked if we could just extend the current contract. Mr. Sacco explained that this is not an option.

Mr. Servis made a motion to award the sanitation collection contract to Waste Management in the amount of \$862,728.59 for the term of 4/1/23 to 12/31/26, with an option to extend for 1 and/or 2 years, seconded by Mr. Czyzyk.

Roll call vote was taken:

Mr. Pirolli—for

Mrs. Chrzanowski—for

Mr. Shellenberger—for

Mr. Czyzyk—for

Mr. Saunders—for

Mr. Servis—for

Ms. Gahagan—for

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

Approval of Employee Medical Plan Renewal—Consideration

Mrs. Marks explained that the Independence Blue Cross rates for all employees increased by 1.6% for 2023. Since there are only 2 other carriers for a company of this size, and both are more expensive, Rob Henry from Brown and Brown recommends we renew with Blue Cross IBC.

Mrs. Chrzanowski made a motion to approve the annual renewal with Blue Cross IBC for 2023, seconded by Mr. Servis.

Roll call vote was taken:

Mr. Pirolli—for

Mrs. Chrzanowski—for

Mr. Shellenberger—for

Mr. Czyzyk—for

Mr. Saunders—for

Mr. Servis—for

Ms. Gahagan—for

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

Approval to Permit Bucks County Department of Health to Treat for Mosquitos—Consideration

The Bucks County Department of Health is asking for permission from Tullytown Borough to treat municipal properties to control the mosquito population.

Mr. Shellenberger made a motion to grant permission to the Bucks County Department of Health to treat municipal properties to control the mosquito population, seconded by Mr. Saunders.

Roll call vote was taken:

Mr. Pirolli—for

Mrs. Chrzanowski—for

Mr. Shellenberger—for

Mr. Czyzyk—for

Mr. Saunders—for

Mr. Servis—for

Ms. Gahagan—for

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

Repair cameras in Tullytown Canal Park—Consideration

Mr. Shellenberger made a motion to approve the repair of the cameras in Canal Park by Cat 's Eye Security in the amount of \$3,430.00 and a \$67 monthly service contract fee, seconded by Mrs. Chrzanowski.

Mr. Pirolli—for

Mrs. Chrzanowski—for

Mr. Shellenberger—for

Mr. Czyzyk—for

Mr. Saunders—for

Mr. Servis—for
Ms. Gahagan—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

The Mayor reported that on February 12th he swore in the fire company officers. The police department sponsored Coloring with Cops, which was a huge success. The next event will be Cops and Bobbers on June 24th. The second annual bingo with the residents at the MacIntosh was also a huge success.

SOLICITOR'S REPORT

The solicitor had no additional report.

ENGINEER'S REPORT

Mr. Torpey explained that he and Sgt Bunda went out and observed some of the issues at the Walt Disney School and the parking along the curbs. In your package, there is a signage plan, and he included a map. The plan is to post No Parking signs for September to June, 8 am to 4 pm, Monday through Friday. No approval from PennDOT is required. Sgt. Bunda has already spoken with the Principal and explained the plan.

Mrs. Chrzanowski made a motion to reach out to school district to share the plan and make sure they are on board, seconded by Mr. Servis.

Mr. Pirolli—for
Mrs. Chrzanowski—for
Mr. Shellenberger—for
Mr. Czyzyk—for
Mr. Saunders—for
Mr. Servis—for
Ms. Gahagan—for
All of Council was in favor of the motion, the motion carried.

Concerning the road program, Mr. Torpey explained there is a map in the packet that shows the most need and the most impact on the roads in the Borough. Color coding matches the excel spreadsheet. He suggested we should put together a contract for road repair that identifies what roads should we use as a base and what roads are alternates. He can draft an email that illustrates what roads we can do right away and what roads require us to wait for repairs such as the drain repairs. It

was suggested that Council set up a workshop to talk about what roads should have priority.

COORDINATOR'S REPORT

Council received a copy of the report. Mrs. Marks explained that they received a quote for repair of the garage doors from Set Rite in the amount of \$5,670. The proposal is to replace a motor, one monitored safety edge and 3 non-monitored safety edges with 3 cord reels.

Mr. Shellenberger made a motion to approve the repair of the garage doors by Set Rite in the amount of \$5,670, seconded by Mrs. Chrzanowski.

Roll call vote was taken:

Mr. Pirolli—for

Mrs. Chrzanowski—for

Mr. Shellenberger—for

Mr. Czyzyk—for

Mr. Saunders—for

Mr. Servis—for

Ms. Gahagan—for

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

CHIEF'S REPORT

Council received a copy of Sgt. Bunda's report. He attended the funeral of Officer Christopher Fitzgerald, the Temple University Police Officer killed in the line of duty, with several officers. The department continues to lose part time officers. Several officers recently turned in their resignations to work full time work at other police departments. Hiring a full-time officer is now urgent. Coloring with Cops was a huge success.

FIRE MARSHAL'S REPORT

Council has received a copy of the Fire Marshal's Report.

CODE ENFORCEMENT REPORT

Council has received a copy of the Code Enforcement Officer's Report.

MISCELLANEOUS COUNCIL BUSINESS

Mr. Saunders mentioned that St. Mike's School on Levittown Parkway continues to have the school lights blinking after school has already been dismissed. Sgt Bunda will contact the school.

ADJOURNMENT

There being no further business, a motion was made by Mr. Servis to adjourn the meeting, seconded by Mr. Saunders. All of Council was in favor of the motion; the motion carried. The meeting was adjourned at 9:20 P.M.

Respectfully submitted,

Patricia Marks
Borough Secretary