

TULLYTOWN BOROUGH COUNCIL MEETING

August 2, 2023

President Mary Ann Gahagan called the meeting of the Tullytown Borough Council to order on Wednesday, August 2, 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
Chief Michael Martin
David Pearl, Fire Marshal
Sean R. Torpey, Pennoni, Borough Engineer
Patricia Marks, Borough Secretary

MOMENT OF SILENCE

Mayor Cutchineal asked for a moment of silence for Terry Pirolli of Main Street, who passed away at the age of 71 and Mary Ann Reese.

PUBLIC COMMENT

Katie Wallace. Her husband has been a patrolman for Tullytown for over 20 years. Over the course of the past few months there have been multiple issues that I feel need to be addressed because it is causing a lot of issues, tension and stress. I requested a meeting with the Chief but have yet to have the meeting and I felt this was my next best option for change. First thing, the Chief has been causing nothing but issues and problems within the department and it is not a positive work environment for anyone. He has promised to make changes and he has yet to make any changes that makes any sense whatsoever. The changes he has made so far is changing uniforms from black to navy which is only costing the Borough money. The other change he made is shift times. I am not sure why but how are these changes making any positive impact? Second, the Chief has been talking about each and every one of his employees to others in a negative manner. What type of professional talks negative about your staff? Third, the Chief held a

mandatory meeting when he was first hired and told the staff that changes were coming but nothing has changed. Everything that has come out of this man's mouth has been a total lie. He told the staff that once an officer was hired full-time, he would make changes to the schedule and he will go by seniority. He knows how it feels from past experience. Now that someone has been hired full-time, he said that is not what he originally said, and he will not be making any changes. His officers with seniority are not proactive enough and he is not making any changes. Instead of keeping his word, he is keeping someone on day shift that doesn't have much experience and claims they are a single parent and doesn't have help at home.

Mr. Sacco interrupted and advised he was the Solicitor for the Borough. Some of the issues you are talking about are internal personnel issues and should not be discussed at the meeting. If you want to discuss personnel issues, this should be done in an Executive Session.

Mrs. Chrzanowski made a motion to go into an executive session to discuss the matter, seconded by Mr. Pirolli.

Roll call vote was taken:

Mr. Pirolli—for

Mrs. Chrzanowski—for

Mr. Shellenberger—against

Mr. Czyzyk—against

Mr. Saunders—against

Mr. Servis—against

Ms. Gahagan—against

2 were in favor, 5 against. The motion did not carry.

Debra Henry, 62 Lilac Lane, said her opinion differs from the previous speaker. She thinks that chief made a really good suggestion at the last meeting as far as hiring more police officers. We need a change and I thought council was behind this. I thought that was the reason we hired this Chief back in May. Now suddenly it went bad when he asked for some police officers. Mrs. Henry said they need money in the budget for public safety. She thought it was dirty pool that it was on the agenda to discuss and then it was removed without his knowledge. Mrs. Henry asked who took it off the agenda and Ms. Gahagan said she took it off the agenda. Solicitor said Council President sets agenda. Ms. Gahagan explained that there is no money in the budget. Mrs. Henry asked are we going to wait for something terrible to happen before we do something? Mr. Servis said explained that the budget is not balanced and that is the job of council to make a balanced budget. Mrs. Henry said ultimately the safety of the community should be deciding the factor. Mrs. Henry asked Mayor how he felt, and he agreed with the fact that we need more police officers.

She advised that she brought a letter and she was not permitted to read it. The Solicitor said it is a criminal matter and she needs to discuss with the police.

Chris Shellenberger, 229 Kenwood Drive S., several people talk at the same time. None of us in the audience can hear. There needs to be more control. It is ridiculous that all these people keep talking.

Kelli Donlen, 10 Lakeside Drive, congratulated the police and fire department company for their event last night. It was very successful. She said that you asked us to wait until a chief was hired and take into consideration his suggestions. Be mindful that we are all watching and listening to what you are saying. And you have to keep your word. Ms. Gahagan commented that it doesn't change the fact that the Borough has no money. Mrs. Donlen stated the police department is revenue producing, not safety producing, right? Ms. Gahagan stated that the cost of one full time police officer is phenomenal. Mr. Saunders said they are trying to make this work. They do want the police here. Mr. Saunders explained that the reserves went from \$60 million to around \$15 million now. Mrs. Donlen said that most of council has been on the board for a while and they all share the blame. Mr. Saunders stated that when the last contract was up for renewal, he stood in front of the board and asked if they can afford this contract down the road and did not get one answer. Mr. Shellenberger would like to see what the part timers are making every week – every individual officer and how much they earn each week.

COUNCIL MINUTES

July 12, 2023 Council Meeting

Mr. Saunders made a motion to approve the minutes of the July 12, 2023 Council Meeting, 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.

TREASURER'S REPORT

MONTHLY BILLS

Mr. Shellenberger to approve the monthly bills in the amount of \$6,371.73, 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.

OTHER EXPENSES PAID IN May

Mr. Shellenberger made a motion to approve the other expenses paid in July, 2023, in the amount of \$59,581.84, 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.

RECONCILIATION STATEMENT

Mr. Shellenberger made a motion to approve the reconciliation statement for July, 2023, 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.

Authorize Transfer of Funds \$85,000.00 via Resolution #498—Approval

Mr. Shellenberger made a motion to approve the transfer of funds in the amount of \$85,000 to the general fund and Resolution #498, 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.

COMMUNICATIONS

Mrs. Marks read the letter from Michael Conallen updating his current and ongoing efforts to receive federal and state grant funding for the Borough. In the letter he mentions Congressman Fitzpatrick has awarded the Borough \$1 million to support the revitalization of Old Tullytown Borough for the FY 2024 Appropriations cycle. The letter is attached to the minutes.

Mrs. Chrzanowski asked if the grant is to be used in only old Tullytown, not all of Tullytown. She also asked if the grant writer was with a company and do we have to match the grant? Mrs. Marks replied that his company is MJC Consulting. Mr. Servis explained that the grant is very specific and he talks about old Tullytown, sidewalks, parking lot and the curbs. Ms. Gahagan asked Mr. Torpey if roads were being done in Levittown. Mrs. Chrzanowski asked Mr. Torpey if he was working with the grant writer and was the Borough being charged for that?

Mike Hammar, 237 Kenwood Drive S. We were just given a million dollars and we are complaining about it? This is the million dollars that everyone has been complaining about and here it is in writing. Instead of everyone saying great, you are complaining about it.

GENERAL BUSINESS

Conditional Use Hearing—299 Kenwood Dr. South

Mr. Sacco explained in terms of this approval, the regulation pertaining to his application requires a conditional use hearing. Under your zoning ordinance, if a shed is over 144 square feet it needs conditional use approval by Borough Council, even though it may not increase impervious surface ratio. Councilman Shellenberger's shed is a 20 x 20 shed and requires conditional use approval. The matter is required to go to the Planning Commission, which happened last month. The Planning Commission approved the application.

Mr. Servis made a motion to approve the Conditional Use Application for a 20 foot by 20 foot shed for 229 Kenwood Drive S., seconded by Mr. Czyzyk.

Roll call vote was taken:

Mr. Pirolli—against

Mrs. Chrzanowski—against

Mr. Shellenberger—abstain

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.

Mr. Shellenberger made a motion to have the Solicitor prepare an ordinance to remove this requirement for oversize sheds from the zoning ordinance, seconded by Mr. Pirolli. Mr. Sacco advised that it must be advertised two times and planning commission and the Bucks County Planning Commission must review.

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

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

Amending Chapter 17, Vehicles and Traffic, Ordinance #406—Approval

Mr. Sacco stated that before Council is Ordinance #406. He prepared an Ordinance revising the parking regulations. All parking ordinances, in order to be enforced and fined, they must be included in your code. In response to the study that was done at Walt Disney Elementary, an ordinance has been prepared prohibiting parking on Lakeside Drive, on the north side, Learning Lane, on the west side, and Pinewood Drive, South, during school hours- 8 am to 4 pm Monday through Friday. Ms. Gahagan asked about residents who live on those roads. The restrictions are just for curbs that are adjacent to school property. This amendment would not restrict parking where the fields and playgrounds are.

Mr. Servis made a motion to approve Ordinance #406 amending Chapter 17 Vehicles and Traffic, 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
Council was in favor of the motion, the motion carried.

c) Hire Part-time Police Officer

Mr. Servis made a motion to approve the hiring of Ryan DiFrank as a part time police officer, 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.

Mr. Servis made a motion to approve the hiring of Montana Briehler as a part time police officer, 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.

Ms. Gahagan thanked Kelli Donlen and Nina Chrzanowski and all the people who worked National Night Out and all our businesses who gave baskets and gifts. It was a perfect night and it was reflected in the children's smiles.

COMMITTEE REPORTS

There were no committee reports.

BOROUGH REPORTS

MAYOR'S REPORT

The Mayor thanked all the people who were involved in National Night Out, especially Clayton Long who took his place in the dunk tank. He updated Chief Martin's accomplishments since he has been with the Borough for 3 months. He administered the oral exam for full-time police officers and oversaw the background investigations. The hiring process that is usually a cost to the Borough of several thousand dollars was done at no cost to the Borough. He has cut unnecessary spending and saved the Borough money by not purchasing many items that were required under the new hire contract. He solved the problem of having the patrol cars running by installing delay timers in the 5 police cars. This was done at no cost to the Borough and we had a grant that covered all the associated costs. Several of our police officers have vests on which the warranties will expire soon. Chief Martin secured a grant that will cover 50% of the cost of the vests. Chief Martin was able to secure 5 body cameras from a neighboring police department. They were switching them out because they were changing to a different manufacturer. He has covered many shifts at no cost to the Borough. Since taking over as Chief, productivity has increased by 335%. The Chief has done an outstanding job.

SOLICITOR'S REPORT

Mr. Sacco advised that the Chief gave him a copy of the Parking Notice violation. Mr. Sacco is looking into creating a type of parking violation where the funds would go directly to the Borough. Chief Martin explained that currently the police use the State form. He took a neighboring town and mirrored their parking violation book. All the money goes to the Borough not to the State. Chief Martin advised if the Council amends the Ordinance to include all the parking violations, he can get the parking violation books printed. People are happy to pay the fine because it does not go to the State and the costs are less. He is looking into preparing this type of violation so that funds go directly to borough. Mr. Sacco will report back to council next month after reviewing to see if we need to make any changes to our parking ordinance.

ENGINEER'S REPORT

Council has received a copy of the Engineer's Report.

Mr. Torpey wanted to reiterate that we met with the contractors for the Road Program last Wednesday. They submitted their submittals for review. They are starting on the application to utilize liquid fuels funding. The anticipated start date is late August, no later than the beginning of September.

COORDINATOR'S REPORT

Council has received a copy of the report.

Mr. Shellenberger thanked Beau Fleming for updating the Notice of Violation for the Borough. It is typed instead of hand printed and much cleaner.

CHIEF'S REPORT

Council has received a copy of Chief Martin's report.

Mr. Sacco advised Chief Martin that when it is a personnel issue, and specific personnel are addressed, it must be done in an executive session. Chief Martin stated that the person who spoke never asked to meet with the Chief. He never had any meetings with her, nor has she requested any meetings. Second, he tells no lies and he is a man of integrity. Third, he never talks bad about his staff. He tells everyone that he is fortunate to have the staff that he has. This person has no knowledge of what goes on inside of the police department. There have been numerous accomplishments and the Mayor has only talked about some of them. I have a lot more and I have only been here 3 months. As far as costing the Borough money by changing uniforms, if you read the order I put out, it says that it is a progressive change. No one must throw out their black uniforms, but as they wear out, with your uniform allowance, you buy the blue ones. It is at no cost to the Borough or the officer. He has the memo with him if anyone would like to read it. He never promised anyone that they could move to day shift. He said at the first meeting when we get to full staff, he would put out a shift bid and anyone with seniority can go where they want. I never said when I hire one person, I will put out a shift bid. He takes exception when someone tells a lie about him.

In his report, he has asked that we hire a full-time person to replace the full-time Officer who resigned. He is trying to work with Council and perhaps they can meet and come up with a plan.

St. Mike's fair was run over 10-day period without any issues. They were able to keep things under control and they made very few arrests. He thanked his staff for doing a fine job. He also thanked Septa police because they sent a couple of officers on a couple of nights and Bristol Township police for having K-9 available on both weekends. The Chief made a Commendation for Officer Stephanie Ormond and Officer Bryanna Cochran for their actions in locating a missing Autistic person on July 20, 2023.

Mr. Pirolli asked the Chief if he had anyone to hire full-time. The Chief responded that he did not. Mrs. Chrzanowski asked why Council is not moving forward creating a list when it is at no cost to the Borough. Chief Martin replied that he spoke with the Solicitor and he suggested that they have the discussion in a separate meeting and hash out some of the issues. He is willing to sit down with Council, the Mayor and Solicitor. He is trying to make this place the best he can.

He is trying to make the town safe and the officers safe. Mr. Pirolli asked Ms. Gahagan how quickly can she get a committee meeting together? Mrs. Chrzanowski and Ms. Gahagan asked if it can be done in an executive session. Mr. Sacco advised that you could have an executive session or a work session to discuss personnel issues. Mr. Sacco said that even though he is the solicitor, he can help by being a mediator or facilitator. He advised that you could hold an executive session an hour in advance of the next meeting or hold the meeting between now and the next meeting. Even though its an executive session where the public is not invited, it still needs to be advertised. Mr. Sacco explained that the civil service commission is the board that does the testing and sets up the list. Council directs the Civil Service Commission to start the process to create the list. Once the list is certified by the Civil Service Commission, the list is good for one year, and can be extended for up to an additional year. Ms. Gahagan will schedule an executive work session and have Mrs. Marks let everyone know when it is scheduled.

FIRE MARSHAL'S REPORT

Council has received a copy of the Fire Marshal's Report. The Fire Marshal has 2 items to cover. Fire Marshal reported that all materials for schools that he visits have been ordered as of today. Under emergency management, he put out last week or the week before about the heat emergency. He gets reports as emergency manager through the county, and he copies them word for word and sends it out. It was noted that after increasing our emergency plan, the heat and cold emergencies are not addressed in that plan. I am here to request for permission to write one up for heat and cold emergencies, but he does not want to do that unless he knows Council will let them use the building. If not, he will focus on the places that let them use their buildings. Council approved the use of the building in both types of emergencies. He will prepare an addition to the existing plan for heat and cold emergencies and bring it to the next meeting.

CODE ENFORCEMENT REPORT

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

MISCELLANEOUS COUNCIL BUSINESS

Mrs. Chrzanowski asked about the air conditioning since the system is also the heat in the winter. Mr. Shellenberger advised that they did look into it to see if they can use some of the money from the \$1 million grant and pay for it now. He doesn't recommend putting the same units back in. He recommends doing separate units for each office so if one goes down, the rest of the building works. Mr. Shellenberger cannot see spending another \$20,000 to do the same thing we did on the other side. Mrs. Marks will research to see if the American Rescue Funds can be used for the repairs.

Mrs. Chrzanowski made a motion to get quotes to replace the HVAC system with single units and fixing the cathedral ceilings, 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.

Mr. Shellenberger said that we have had problems in the past with finances and they brought in Jessica from H&R Block, who has been doing a wonderful job. He believes they need to have a part-time treasurer in place, and he would like to hire somebody this evening. Her name is Lynn Haines. Mrs. Chrzanowski stated that Jessica is the Treasurer. Mr. Shellenberger explained that Jessica is the company that works for the Borough as Treasurer. He would like to bring someone else in that can learn the job in the future on a part time basis. Mr. Servis explained that Jessica was brought in almost like a professional service. It cost \$1500 a week for the last two weeks and it will be expensive to have her continue full time. The treasurer to replace Joe McPadden would be about \$50,000 a year. Mrs. Chrzanowski asked why we would pay two people. Mr. Shellenberger reiterated that we have had problems in the past and we brought Jessica in, and she is doing a wonderful job but he believes we need a person who is going to be here. Mr. Pirolli stated that we should give the current treasurer a chance to do the job and then think about hiring someone else. Mr. Shellenberger said he knows Jessica can do the job. She is more than qualified. Mr. Shellenberger said her name is Lynne Haine and she just retired from the County. She has a tremendous wealth of experience with handling things like the heating system. Mr. Servis said we hired Jessica as Professional Services and they charge us an hourly fee. The Borough cannot keep paying the fee forever.

Mr. Shellenberger made a motion to hire Lynn Haine as the part time treasurer, seconded by Mr. Saunders.

Roll call vote was taken:

Mr. Pirolli—against

Mrs. Chrzanowski—against

Mr. Shellenberger—for

Mr. Czyzyk—for

Mr. Saunders—for

Mr. Servis—for

Ms. Gahagan—for

5 in favor, 2 against, the motion carried.

ADJOURNMENT

There being no further business, a motion was made by Mr. Saunders to adjourn the meeting. All of Council was in favor of the motion; the motion carried. The meeting was adjourned at 8:30 P.M.

Respectfully submitted,

Patricia Marks
Borough Secretary