

TULLYTOWN BOROUGH COUNCIL MEETING

October 11, 2023

President Mary Ann Gahagan called the meeting of the Tullytown Borough Council to order on Wednesday, October 11, 2023, at 7:00 p.m. followed by the Pledge of Allegiance.

Mr. Sacco advised that Pat Marks is not at the meeting tonight and he will be handling some of her responsibilities. There was an executive session at 6:30 p.m. and personnel issues were discussed.

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
Sean R. Torpey, Pennoni, Borough Engineer

MOMENT OF SILENCE

Mayor Cutchineal asked for a moment of silence for Joanne Chase, who passed away. She was the wife of a former Tullytown Council President, Jim Chase, and was a crossing guard.

PUBLIC COMMENT

Ms. Gahagan stated that public comment is not a question-and-answer period. Come up and make your comments and let the next person come up.

Tim Damiani, President of Tullytown Borough Fire Company. He would like to hand out some flyers tonight and see if they can be placed on the Borough's website. They are holding First Responder's Trunk or Treat, and it is being sponsored by the fire company and the Tullytown Borough Police Department. It will be in the fire company parking lot on Sunday, October 29th. Free for all residents. Saturday, October 21st from 10 to 2 is the fire prevention event which will be held in the St. Michael's parking lot. There will be live demonstrations and special guests. The fire company is holding its first Purses and Power tools Bingo, a his and hers bingo on

Saturday, November 4th. It will be held at the Royal Order of Moose on Radcliffe Street in Bristol.

Jesse Walters, 188 Kenwood Drive S, is asking for input from Council now or at a later date. He passed out a copy of the Chief's report that was posted on Facebook from a private citizen in Tullytown. The disclaimer on the bottom of the report states that it is privy to Council only. He asked why or how someone would be able to obtain that and publicly post it. Mrs. Chrzanowski stated that at the 32 minute mark at the meeting last month, Council President said that anyone who wanted the reports could get them and they are available if the person files a Right to Know. Ms. Gahagan stated that she did not say you could post the reports on Facebook. The Chief advised that his report is read off to the public in the meeting so he approves the public access. Mr. Walters also wanted to comment on the Mayor's report from last month. He is sick and tired of hearing that we live next to Philadelphia and Trenton and the crime is so bad. Tullytown Borough does not have the income to provide police coverage. The Chief said he has 3 full time officers and himself. Mr. Walters stated that crime is on the decline in Tullytown.

Mr. Sacco advised that, in public comment, the person addresses Council and then Council responds. There should not be back and forth.

Mr. Walters stated that there is no need for more officers. It sounds to him like there is a scheduling conflict going on. It is different from Trenton where Trenton has a few hundred officers. You need to run a tighter ship and a better schedule.

Nelson Whitney, Fairless Hills, Pennsylvania. When you look at regional studies, we are more like 1.3 or 1.4 officers for every 1,000 residents. That includes all sworn officers.

Kelli Donlen, 10 Lakeside Drive. I am the resident that Jesse was talking about. There is a public Right to Know document and the fact that Ms. Gahagan mentioned that the residents could have the report. She asked the Chief but felt she should handle it the right way, not the back door way. The residents have the right to know this information.

Elaine Franz, 320 Main Street, stated that she has lived in Tullytown 17 years. The disrespect that I have seen from this board in the last 2 meetings is appalling. This has to stop. There is no communication coming to the residents. As far as the Chief goes, he was hired by you. Now, all of the sudden, he is not allowed to do his job. I think he does a great job and she doesn't believe in anybody being railroaded into doing something to save a couple of dollars.

Chrissie Edwards, 364 Lakeside Drive. She has lived in Tullytown her entire life. Everyone knows her father and he came to every Council meeting and he would be

embarrassed by the way everyone up there is acting. Second of all, there was a post going around on Facebook about a Council member who received a citation for driving an unregistered vehicle. Shortly after that, disparaging signs about the police department appeared. To allow this to happen in this Borough when these police officers do everything to protect you is disgusting and everyone should be ashamed. My family stands with the Chief and the police department because what you guys are doing to them is disgusting. Everyone should open your eyes and wonder why we have police chiefs and police officers from other towns here today supporting the Chief.

Nina Chrzanowski, 6 Stonybrook Drive. Sunday afternoon she was decorating her home and noticed a police officer stop a vehicle. During this stop, the officer asked the driver to get out of the car. She gets out of the car and is out of control. The officer is completely alone and since he is the only one working in Tullytown, he calls Bristol Township for backup. Bristol Township shows up and they take her to Bristol Township for processing. For all the time this takes to process, Tullytown has no officers available. It 's not safe for our officers and not safe for our community. It is a matter of public safety. If someone needed an officer, they would be waiting a long time.

Matthew Goulet representing his father, Bruce Goulet, 1 Mill Lane. His father sent him to address the viciousness that is being done to them with the code enforcement officer creating fines toward them and they are asking for leniency because of the grandfathering of his property. He was recently at the park behind Walmart and saw police taking care of an issue in the Walmart parking lot. He went to the park and saw a bunch of teens smoking marijuana on the playground. There was a car off to the side and a guy urinating in public next to the car. We have cameras out there but we don't have the police officers to address these issues. I am taking my kids to the park and have to deal with the riffraff destroying the park. I was there for 10 minutes with my daughter and left because I did not feel safe in this situation. Mr. Goulet said it was on the weekend. Mr. Shellenberger suggested that next time Mr. Goulet should call the police. The Chief confirmed that there should be two officers on each shift.

Mr. Sacco addressed Mr. Goulet's first issue. He stated that he spoke with his Dad and he understands that he was not happy with the court proceeding and the fines. They tried to resolve it before the hearing. The application at issue with the permit that's needed is for a structure that is being built. There was a permit was applied for and approved in 1995 so it is 28 years old. Permits typically expire in 6 months. I spoke with the Code Enforcement Officer. They are not trying to load residents up with fines. They just want them to comply. The Code Enforcement Officer has agreed to withdraw all the citations if your Dad agrees to apply for the permit. We cannot undo what the District Justice did. I explained to your father that he could appeal it, and then we can work it out. However, it will require that he applies for

those permits. Mr. Goulet asked about the fact that they were going after him about shrubbery that was on a fence he does not even own. He has been caring for his neighbor's property to keep it clean. Mr. Sacco advised that Council is not looking to be punitive; they are just looking for compliance with the Borough code. If his father does appeal the decision, Mr. Sacco believes the Borough will be amendable to reaching some type of resolution. However, it requires your father to apply for the permits because the permit application was done in 1995. Mr. Goulet stated that perhaps the Code Enforcement Officer should do some research into what his job is and what he should be doing. Mr. Sacco stated that he knows the Code Enforcement Officer personally because he works in Bristol Township and Tullytown Borough and he has found him to be very good to work with and very thorough and he is trying to work out a very fair resolution. Mr. Sacco felt it was not a fair comment to make about the Code Enforcement Officer. Mr. Sacco indicated that the issue will need to be addressed with an overall resolution, but it will have to happen at a later date.

Debbie Henry, 62 Lilac Lane. The reason I started attending these meetings is because of the crime in Tullytown Borough. The Mayor referenced some of the serious crimes in his report last month. To say that we don't need more police officers is mind boggling and you talked last month about a Commission that you spent a fair amount of money on who recommended more officers. I would imagine that they were a neutral entity and a professional one and they recommended more officers. Mrs. Chrzanowski responded that they said what Chief Martin said in his report. At the time she believed we had 5 full time officers and they recommended 7. Ms. Gahagan commented that it's not a question and answer period. She's making a public comment and we are allowed to question her but she's not allowed to question us. Mr. Pirolli responded that she can question him as he is a council member. Mr. Sacco stated that to make this smoother and under Roberts Rules, the public makes a comment and council addresses the comment instead of going back and forth. Ms. Henry asked if it was a neutral professional committee that recommended that this borough needs more officers. Mrs. Chrzanowski that they spent \$13,000 to try to regionalize the police department and figure out how to get rid of our Police Department. Mr. Servis stated that you spent \$50 million. Mr. Pirolli stated that the money went back to the town and its people. It went where it should be and I have no regrets doing that and you voted for it as well, Mr. Servis. Ms. Henry stated that the reason I started coming here was because there is serious crime in Tullytown and we need the officers to take care of it.

COUNCIL MINUTES

Council Meeting Minutes

Mr. Shellenberger made a motion to approve the minutes of the September 2023 Council Meeting, 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.

TREASURER'S REPORT

MONTHLY BILLS

Mr. Servis made a motion to approve the monthly bills in the amount of \$32,599.54, 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 AUGUST

Mr. Servis made a motion to approve the other expenses paid in September, 2023, in the amount of \$206,304.08, 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. Shellenberger made a motion to approve the reconciliation statement for September 2023, 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.

Authorize Transfer of Funds \$2.3 million via Resolution #503—Approval

Ms. Gahagan stated that the amount was high because it covered expenses until the end of the year, as well as the pension payment of \$800,000.

Mr. Shellenberger made a motion to approve the transfer of funds in the amount of \$2.3 million to the general fund and Resolution # 503, 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.

COMMUNICATIONS

There were no communications for the month.

GENERAL BUSINESS

Zoning Hearing Discussion -11 Pleasant Lane

Mr. Sacco advised there is an application in your packet to expand a garage and put in a front porch, which would require approval for a setback and a variance for the impervious surface requirement. There is no action that the Council has to take at this time, unless they were concerned about the application.

Mr. Shellenberger stated that he went out to the property, and it is a very small piece of property. It hasn't been expanded at all. As long as the neighbors don't complain, he doesn't see why we couldn't do that for them. If the neighbors complain that it is too close, I will object to it. Mr. Sacco explained that the neighbors will be notified, and they have the opportunity to go to the hearing and

object. If Council does not want to participate, there is no action needed at this time.

One Appointment to the Planning Commission—Consideration

Mr. Servis made a motion to approve the appointment of Bunny Martin to the Planning Commission, 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.

COMMITTEE REPORTS

Mr. Shellenberger reported that the HVAC system has been taken care of. By Council and the contractor talking to the manufacturer we were able to get all the equipment under warranty. We really only paid for labor, and he figures it saved us about \$15,000. The contractor has some additional work to do but the bill we signed off on should be about \$5,000 less.

BOROUGH REPORTS

MAYOR'S REPORT

Mayor Cutchineal stated they are hoping to fill enough shifts to have police out with the kids on Halloween and mischief night. December 9th will be the Christmas tree lighting this year at Borough Hall at 7 PM.

SOLICITOR'S REPORT

Mr. Sacco advised that he has been working with the Chief on Tullytown's Parking Ordinance. The Ordinance has not been updated for a considerable period of time. However, there is a regulation in there that allows the department to ticket violators for parking violations and to have that parking ticket paid over to the Borough within a certain period of time – 48 hours. However, there is a fine in the code that is \$5.00. The Chief thought it would be appropriate to increase that fine to \$25.00 and increase the amount of time to pay the fine. Mr. Sacco suggested increasing the fine to \$25 and increase the number of days to pay from 48 hours to 10 days.

Authorize Preparation and Advertisement of Ordinance to Revise Tullytown Code to increase Parking Fees to \$25 with 10 days to pay

Mr. Pirolli made a motion to Prepare and Advertise a revision to the Ordinance Section 170-29 of the Tullytown Code to increase the penalty to \$25.00 per violation and increase the time to pay from 48 hours to 10 days, seconded by Mr. Servis.

Mr. Sidoti asked who would enforce the violation. Chief Martin advised that the penalties would be enforced by the Court.

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.

Mr. Sacco stated that he would like to discuss a proposal for an Earned Income Tax. At this time, the Borough does not implement an earned income tax. In the last two years, Morrisville Borough implemented the 1% earned income tax, Langhorne Borough implemented the 1% earned income tax, and the most recent has been Falls Township. The reason he is bringing it up in October is because if Council wants to implement it for their 2024 budget, the Local Tax Enabling Act requires that the ordinance be advertised for at least 3 weeks prior to a hearing which has to be 7 days after the last advertising. You really need to start acting on the process in October to pass an ordinance in November because it needs to get to DCED by December 1st in order to be applied on January 1st. Mr. Sacco recommends that Council consider advertising the ordinance, not voting on it, just passing a motion to advertise the ordinance and a hearing to consider it.

Mr. Servis asked that Mr. Sacco explain what the earned income tax is. Mr. Sacco explained that he received information from Keystone, who is the County tax collector and the earned income tax would be collected by the County. They did an analysis that 55 municipalities and school districts have an earned income tax in Bucks County. They have also indicated that most Tullytown residents are paying it but they are paying it to another municipality. The host municipality gets the tax. If you work in Tullytown and live in Tullytown, Tullytown would get the tax. If you live in Tullytown and work in Falls Township, and you do not have an earned income tax, Falls Township gets the tax. A lot of the residents are paying the tax except

they are paying it to other municipalities. It is paid on earned income and provides for a \$12,000 exemption. This means if you are working part time or seniors who are working part time, college students who are working part time, they wouldn't pay it if they make \$12,000 or less. Mrs. Chrzanowski asked how it would work if someone works in another state. Mr. Sacco responded that if you work in Delaware, Delaware gets the tax. If you work in Philadelphia under the Sterling Act, they get the tax. If you work in New Jersey, you are still responsible for paying the tax. The question is whether the employer will withhold it or if you pay it with quarterly earned income tax returns. Mr. Sacco will find out the answer to that question. Mr. Sacco stated that Council is making a motion to prepare the ordinance and advertise it and have a hearing on it. The reason he brings this up now is because if you wait and pass it in December after December 1st, it would not go into effect until June 1st instead of January 1st. We are estimating an income of around \$400,000 and Keystone feels that is pretty accurate. When they did the estimate for Langhorne, Morrisville and Falls they were spot on. Remember, much of it is already being paid by Tullytown residents. It is just being paid to a different municipality. Keystone will send the bill to the residents who do not have the tax deducted from their check. Yardley Borough and Lower Makefield Township do not have an earned income tax. It can be for 1% or ½%. The maximum amount that it can be done for is 1%, which is what most municipalities are enacting it for. If Pennsbury would enact it, the most that can be enacted is for 1%. For instance, if Pennsbury enacted it for 1%, the school district would get ½% and Tullytown would get ½%. The most a Tullytown resident could pay is 1%. Remember the school district has different requirements for taxes.

Authorize Preparation and Advertising to Enact 1% Earned Income Tax

Mr. Servis made a motion to authorize the Solicitor to prepare and advertise an Ordinance enacting a one percent (1%) earned income tax for consideration on November 15, 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

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

ENGINEER'S REPORT

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

Mr. Torpey advised that the road paving program has been completed. We are completing review of what the contractor completed and waiting for their submission of payment request. There was only one person who raised an issue and we dealt with it. Mr. Servis stated that Mark Snyder was very helpful with the road program, as well as Sean.

COORDINATOR'S REPORT

Council has received a copy of the report.

CHIEF'S REPORT

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

The Chief stated that he never said they had enough police officers. In his report, he stated that they had 151 written reports; 7 short form and 5 long form criminal arrests; 136 Citations (over a 675% increase since the day he was hired); 6 traffic accidents; 15 medical calls; 43 school checks and 351 business/premise checks. The loss of a full-time officer is an issue, and he would like to know the plan. We are currently 150 man hours short each week. I may have scheduled 100 people at one time but scheduling 11 is a lot easier. However, you have to have the manpower to fill those shifts properly. Also, I had recommended hiring the two part time officers. Mrs. Chrzanowski stated that for some reason, this was not put on the agenda. She stated that Mary Ann and Bryan both said at the last meeting, when Matt and I made the motion to hire, that they were going to do it this month.

Mr. Pirolli made a motion to Amend the Agenda to consider the hiring of part-time police officers, seconded by Mrs. Chrzanowski. The Chief commented that these 2 candidates for part time officers are excellent. They graduate Friday and they are at the top of their class. They will take the licensing exam on the 17th of October and can start work after that date.

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.

Mrs. Chrzanowski made a motion to hire Tyler Giberson as a part-time police officer with Tullytown Borough, seconded by Mr. Pirolli.

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.

Mrs. Chrzanowski made a motion to hire Mackenzie McGowan as a part-time police officer with Tullytown Borough, 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. Pirolli made a motion to Amend the Agenda to consider commencing the process to test and create a New Hire Police Officer list, 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.

Mr. Pirolli made a motion to direct the Civil Service Commission to commence the process to test and create a New Hire Police Officer list, 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.

Mr. Sacco explained that they will advise the Civil Service to start the process of creating and scheduling a written examination to be followed by an oral examination. The Chief stated that the written examination is already completed, and he will give it to the Civil Service attorney and the Borough solicitor to review. Mr. Sacco explained that the role of Council is to hire based on the Rule of 3. The Civil Service does all the work. They need to be kept separate.

The Chief commended his officers as the numbers have been really good and the department is running very well. With the new staffing, it will make a well oiled machine better. He specifically wants to commend officers Ryan DiFrank, Joseph Parell and Montana Brieher for their productive work for the month of September. These officers were responsible for over 55% of the productivity in the police department. Joe Shellenberger commended Ish Ramos for being at the park on the weekends. The Chief mentioned that the police department did receive a \$3,100 grant for replacement of bullet proof vests. It is a 50% grant and we can spend up to \$3,100.

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

Mrs. Chrzanowski stated that she has had discussions with the tax collector and there are still businesses that have not paid. She advised that Mr. Sacco handled that end of it. Her question is what happens if there is someone on Council who hasn't paid their taxes and it is her understanding that our Solicitor cannot handle that. Mr. Sacco stated he cannot take any action against a council person.

Mr. Shellenberger asked the tax collector, Mike Sidoti, what happens if someone is delinquent on their taxes. Mr. Sidoti explained that he sends late notices and new bills at the beginning of the year. When they get to 3, 4 or 5 years old, he turns them over to the Solicitor, Mr. Sacco. Mr. Sacco has sent out some letters indicating that the Borough was commencing legal action for non-payment of their taxes. Mr. Shellenberger asked why the same process couldn't be done for

everyone, even council. Mr. Servis replied that he has a business in Bristol Borough and Bristol Township. Mrs. Chrzanowski asked how this is handled. Mr. Sacco explained that the Tax Collector explained the process. When he gets to the end of the road, the solicitor gets involved and files an enforcement act in District Justice court. He explained that it would be a conflict for him to file a legal action against any of the 7 sitting council members. Mr. Sidoti asked who should be enforcing the requirement that all businesses in Tullytown have a business license? Mr. Sacco stated that this would be something that would go to code enforcement.

Mrs. Chrzanowski asked if the grant writer has given us a report on the grants he is working on. Mr. Servis explained that the grant writer always works with Mrs. Marks.

Mayor Cutchineal asked if the Council was giving out gift checks this year.

Mr. Pirolli made a motion to prepare and advertise an Ordinance for the approval of the property allocation check on the November 1st Agenda, seconded by Mr. Servis.

Roll call vote was taken:

Mr. Pirolli—for

Mrs. Chrzanowski—for

Mr. Shellenberger—against

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.

ADJOURNMENT

There being no further business, a motion was made by Mr. Servis 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 8:25 P.M.

Respectfully submitted,

Patricia Marks
Borough Secretary